

THE NATIONAL ARCHIVES  
LITTERA  
SCRIPTA  
MANET  
OF THE UNITED STATES  
1934

# FEDERAL REGISTER

VOLUME 13                      NUMBER 33

Washington, Tuesday, February 17, 1948

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

##### APPORTIONMENT

Subdivision (ii) of § 2.110 (a) (3) (12 F. R. 7169) is redesignated subdivision (iii), and a new subdivision (ii) is added as set out below.

§ 2.110 *Apportionment.* (a) \* \* \* (3) \* \* \*

(ii) National Capital Housing Authority.

(iii) Agency field offices in the metropolitan area of Washington, D. C.

(Sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 48-1402; Filed, Feb. 16, 1948; 8:48 a. m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order 9830 and at the request of the agencies concerned, § 6.4 is amended as follows:

1. The headnotes in § 6.4 (a) (4) and § 6.4 (b) (4) are changed from "War Department" to "Department of the Army" and all internal references in each of these subparagraphs to the War Department or the Secretary of War are amended accordingly.

2. Section 6.4 (a) (4) (i) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* \* \* \*

4. *Department of the Army.* (i) Two private secretaries or confidential assistants to each of the following: The Secretary of the Army and the Chief of Staff, United States Army. One private secretary or confidential assistant to each Assistant Secretary of the Army.

3. A subdivision, numbered (v), is added to § 6.4 (a) (18):

(18) *Veterans' Administration.* \* \* \*

(v) One private secretary or confidential assistant to the Chief Medical Director.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 48-1403; Filed, Feb. 16, 1948; 8:48 a. m.]

## TITLE 10—ARMY

### Chapter V—Military Reservations and National Cemeteries

#### PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

##### ALASKA

CROSS REFERENCE: For correction of Public Land Order 445, which revoked in part Executive Order 8877 as amended by Executive Order 9526, withdrawing public lands in Alaska for the use of the Department of the Army, thereby affecting the tabulation contained in § 501.1, see the Appendix to Chapter I of Title 43, *infra*.

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Office of International Trade, Department of Commerce

#### Subchapter B—Export Control

#### PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

##### ORDER MODIFYING VALIDITY OF CERTAIN TINPLATE EXPORT LICENSES

It is hereby ordered, That, effective immediately, all outstanding individual licenses validated by the Department of Commerce prior to December 1, 1947 authorizing the exportation of waste-waste tinplate, strips, rings and circles (Department of Commerce Schedule B

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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<sup>1</sup> P. L. O. 445.

<sup>2</sup> See Title 5, Part 6.

Nos. 601300 and 601400 are revoked effective February 29, 1948, regardless of the period of validity provided for or in any such licenses.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945,

10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: February 6, 1948.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.

[F. R. Doc. 48-1399; Filed, Feb. 16, 1948; 8:47 a. m.]

### PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

#### SPECIAL PROCEDURE LIMITED TO CERTAIN FLOUR EXPORT LICENSES

*It is hereby ordered*, That, effective immediately, the following special procedure is established. The procedure shall be applicable only to licenses to export flour to Cuba, Brazil, and the Philippine Republic, from the February 1948 allocation, and to licenses to export flour to Tangier, from the first quarter 1948 allocation.

Applications for licenses to export flour to the destinations and against the allocations above specified must be submitted on Form IT-419. An application may cover shipments of flour to more than one consignee in any one of the above specified destinations. Each application shall, however, cover shipments only to a single destination and must include and be accompanied by the following information:

(1) The application must show the f. a. s. (free alongside ship) price the applicant will receive for the flour, or a statement of how the price will be determined. If price is to be based on the actual market price of wheat or flour when the license is received, the applicant should show the mark-up above the base market price, and the transportation and other charges included in determining the final price on an f. a. s. basis.

(2) The application must be supported by a list giving the names of the consignees, and the amount of flour on order by each consignee. Any variation of price among consignees should be indicated.

(3) The application must be supported by a certified statement from the applicant that he has firm orders with the consignees shown in the consignee list and has accepted the orders, subject only to receiving an export license therefor.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: February 11, 1948.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.

[F. R. Doc. 48-1400; Filed, Feb. 16, 1948; 8:48 a. m.]



## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 445]

#### ALASKA

REVOKING IN PART EXECUTIVE ORDER 3877 OF AUGUST 29, 1941, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR MILITARY PURPOSES.

#### Correction

In Federal Register Document 48-1210, appearing at page 616 of the issue for Wednesday, February 11, 1948, the third line of the description under "Vicinity of Seward," "(3) Renard Island Area" should read: "59°56'36" north latitudes, and 149°18'48" and".

## TITLE 46—SHIPPING

### Chapter II—United States Maritime Commission

[Tariff Circular No. 3]

#### PART 231—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES

Tariff Circular No. 3, published in the FEDERAL REGISTER of October 4, 1947 (12 F. R. 6578), as a notice of proposed rule making, is hereby adopted. The rules as set forth below differ from the proposed version in that the seventh paragraph of the preamble is changed and paragraph (m) is added to § 231.0.

Freight and passenger tariff regulations governing the publication, posting and filing of rates, fares and charges by common carriers by water in interstate commerce as defined in section 1 of the Shipping Act, 1916, as amended, and subject to the jurisdiction of the United States Maritime Commission. Prescribed by United States Maritime Commission under the provisions of section 18, Shipping Act, 1916, as amended, and the provisions of the Intercoastal Shipping Act, 1933, as amended.

Every common carrier by water engaged in the transportation for hire of passengers or property on the high seas on regular routes between continental ports of the United States and ports in its Territories, Districts, or possessions; between a port in any such Territory, District, or possession, and a port in another such Territory, District, or possession; and between places in the same Territory, District, or possession, is required by the Shipping Act, 1916, as amended by the Intercoastal Shipping Act, 1933, as amended (39 Stat. 728, 46 U. S. C. 801; 47 Stat. 1425, 46 U. S. C. 843-844; 52 Stat. 964, 46 U. S. C. 845b; 54 Stat. 929, 49 U. S. C. 901 et seq.), to file with the United States Maritime Commission and keep open to public inspection schedules showing its actual rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, all the rates, fares and

charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water. It is further required that the schedules shall plainly show the places between which freight and passengers will be carried and shall contain the classification of freight and passenger accommodations in force and shall state separately each terminal or other charge, privilege, or facility granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such rates, fares, or charges, or the value of service rendered to the consignor, consignee, or passenger, and that no change shall be made in such rates, fares, charges, or classifications, rules, or regulations except by the publication, filing and posting of new schedules which, unless otherwise authorized by the Commission or the rules herein, shall become effective not earlier than thirty days after the date of posting and filing with the Commission.

All tariffs, supplements and revised pages as are filed, subject to the foregoing, shall on and after the effective date of this circular, unless otherwise authorized by the Commission, conform to the rules herein.

The Commission may at any time direct the reissue of any tariff publication that may not be in accordance with the provisions of the Intercoastal Shipping Act, 1933, as amended, or the regulations published herein. Tariff publications which fail to provide the required notice or fail to comply with the rules of this circular are subject to rejection.

It is believed that carriers engaged in foreign commerce and "other persons subject to the Act" (Shipping Act, 1916) will find that in complying with such of the provisions of this circular as can be made applicable will tend to simplify and clarify their tariffs for the Maritime Commission and, more important, for their customers, the shipping public. Marine terminal operators or wharfingers, freight forwarders, carloaders, car unloaders, etc., should substitute for the word "carrier" wherever it appears in this circular the proper designation, in order to indicate the character of the work for which the rate or charge is made.

Carriers subject to the requirements of the Intercoastal Shipping Act, 1933, as amended, above referred to, will observe the rules and regulations contained in this circular with respect to any filing made sixty days after the publication of this part in the FEDERAL REGISTER.

This Tariff Circular cancels Tariff Circulars Nos. 1 and 2 (United States Shipping Board Bureau, Department of Commerce) relating to the publication, posting and filing of freight and passenger tariff schedules, and Special Permission Nos. 920, and Amendment No. 2, and 1834.

Sec.  
231.0 Definitions.  
231.1 Construction of tariffs.  
231.2 Filing and posting of tariff publications.  
231.3 Indication of changes.  
231.4 Title page.  
231.5 Contents of tariff publications.  
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Sec.  
231.7 Commodity rates.  
231.8 Classifications and exceptions.  
231.9 Terminal rules, charges, absorptions and allowances.  
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231.18 Adoption of tariffs, etc.  
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231.20 Suspension of tariff publications.  
231.21 Power of attorney.  
231.22 Concurrence in tariffs.  
231.23 Letters of transmittal.

AUTHORITY: §§ 231.0 to 231.23, inclusive, issued under 39 Stat. 728, 47 Stat. 1425, 52 Stat. 964, 54 Stat. 929; 46 U. S. C. 801, 843-844, 845b, 49 U. S. C. 901 et seq.

§ 231.0 Definitions. The following definitions of terms used in this part will apply unless the context indicates otherwise:

(a) "Person": As used in this part includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees or personal representatives.

(b) "Other persons subject to the act": Any person not included in the term "common carrier by water", carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

(c) "Carrier": A synonym for "common carrier" as defined in section 1 of the Shipping Act, 1916 (39 Stat. 728, Chapter 451) and applies to the person which actually holds itself out to the general public to furnish the transportation service.

(d) "Local": Applies to rates, fares, or charges for transportation over the line of a single carrier only.

(e) "Joint": Applies to rates, fares or charges for joint transportation over the lines of two or more common carriers, under power of attorney or concurrence.

(f) "Proportional": Applies to rates, fares or charges of a common carrier, on traffic originating and/or destined beyond the points between which such rates, fares or charges apply.

(g) "Commodity rate": A rate or rates applying on a commodity or on commodities specifically named or described in the tariff in which the rate or rates are published.

(h) "Class rate": A rate for common carrier transportation applying on any one or more of various articles according to the class rating to which they are assigned in the classification or exceptions thereto governing the class rate tariff, or in the class rate tariff itself.

(i) "Through rate": The through rate from point of origin to destination, whether a local rate, a joint rate or a combination of separately established rates.

(j) "Tariff": A publication containing the actual rates, fares, charges, classifications, rules, regulations and practices of a common carrier for transportation by water.



(k) "Tariff publication": A schedule, tariff, supplement to, or revised or amended page of, a schedule or tariff.

(l) "Classification": A publication governing class rate tariffs and containing a list of articles or commodities and the class ratings to which they are assigned, and the governing rules and regulations.

(m) "Commission": Wherever the word "Commission" is used without other designation, the "United States Maritime Commission" is referred to.

§ 231.1 *Construction of tariffs*—(a) *Form, size, quality of paper, and type.* All tariff publications shall be made in book, pamphlet or loose-leaf form of size 8 by 11 inches, plainly and legibly printed, mimeographed, planographed, stereotyped or reproduced by other similar durable process on paper of good quality, from type of size not less than 8-point bold or full face, except that 6-point type may be used for reference marks, for explanations thereof appearing on the same page with such reference marks, for column headings, for bills of lading, and in other places where only a few words are used.

(1) *Typewritten or proof sheets.* Typewritten or proof sheets shall not be used for posting or filing.

(2) *Binding margin.* A margin of not less than five-eighths of an inch shall be allowed at the binding edge of each tariff publication.

(3) *No erasures or alterations.* No erasures or alterations shall be made.

(b) *Numbering of pages.* The pages of each tariff and each supplement shall be numbered consecutively, considering the Title Page No. 1.

(c) *Separate series for freight and passenger tariffs.* Freight and passenger tariffs shall be numbered in separate series. Tariffs filed by a carrier shall be numbered in the USMC-F (or -P) (freight or passenger) series of the issuing carrier and tariffs filed by an agent shall be numbered in the agent's individual USMC-F (or -P) series.

(d) *Subdivision of matter into sections.* Tariff matter may be subdivided into small sections by items, to each of which shall be assigned an identifying number.

§ 231.2 *Filing and posting of tariff publications*—(a) *Filing tariffs.* Tariffs, supplements thereto and revised pages thereof shall be filed with the Commission by proper officer or duly authorized agent of the carrier by transmitting two copies thereof in one package addressed to the United States Maritime Commission, Division of Regulation, Washington, D. C. (See § 231.23.) All postage or other charges must be prepaid.

(b) *Filing is for all participating carriers.* When a tariff publication is filed by a carrier or by an agent, the power of attorney or concurrence of every carrier participating therein must be filed separately with the Commission or must accompany the tariff publication. The filing of a tariff by a carrier or an agent constitutes filing for all carriers parties thereto.

(c) *Conflict between tariffs must be avoided.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates or fares

must not publish rates or fares which duplicate or conflict with those which are published by such authorized agent or other carrier.

(d) *Posting.* Every carrier shall maintain in an orderly manner a complete file of the tariffs issued by it, or to which it is a party, in its general office or other place accessible to the public, and shall also place in the hands and custody of its agents or other representatives at its principal office at each port at which freight (or passengers) is received for all transportation, all of the tariffs which contain rates of fares applying from, or at that port, including the tariffs issued by its authorized agent under authority of power of attorney or concurrence, and by any other common carriers by water under authority of concurrence. Such tariffs shall be made accessible to the public and shall be open to public inspection and examination during regular hours of business. A notice printed in large type shall be posted in a public and conspicuous place at every wharf, dock and other place where freight, (or passengers) is received for transportation, reading as follows:

Complete file of all tariffs in which this company is shown as a participating carrier is maintained at the general office of this company in the city of \_\_\_\_\_ and a complete file of the tariffs of the company publishing freight rates (or passenger fares) applying from or at this port for account of this company is maintained in the office of this company in this city at \_\_\_\_\_ (street and number). Such tariffs may be inspected by any person upon application and without the assignment of any reason for such desire.

(e) *Surrender or withdrawal of tariff publication.* The Commission will not surrender or permit to be withdrawn any tariff publication filed with it, except as provided in § 231.13.

§ 231.3 *Indication of changes*—(a) *Uniform symbols.* Changes in tariff matter shall be indicated in all tariff publications by the use of the following uniform symbols, which shall not be used for any other purpose:

- ↓ to denote reductions.
- ◇ to denote increases.
- Δ to denote change in wording which results in neither increases nor reductions in charges.

(b) *General changes indicated at top of page.* When a change of the same character is made in all or in substantially all rates or fares in a tariff publication that fact and the nature of the change may be shown in bold face type at the top of the title page of such publication or at the top of each page, in the following manner: "All rates or fares in this tariff (or supplement or on this page) are increases (reductions), except as otherwise indicated. When the foregoing notation is shown, a bold face dot "•" shall be used to symbolize a rate or fare in which no change has been made. This symbol shall not be used for any other purpose.

§ 231.4 *Title page.* The title page of every tariff or supplement shall show in the order named:

(a) *Designations.* On the upper right-hand corner of each tariff a num-

ber preceded by the symbols "USMC" and "F" or "P" to designate either the freight or passenger tariff series, respectively. The first tariff filed in a series shall be designated "No. 1", as USMC-F (or -P) No. 1. Subsequent tariffs in the same series shall be given consecutive numbers.

Immediately thereunder shall be shown the designation of the tariff (or tariffs) to be canceled thereby.

For example:

USMC-F No. 4  
cancels  
USMC-F No. 2

On the upper right-hand corner of each supplement the number of such supplement followed by the USMC number of the tariff to which it is a supplement shall be shown. The first supplement to a tariff shall be designated as Supplement No. 1.

For example:

Supplement No. 1  
to  
USMC-F No. 5

Under the supplement number shall be shown the number (or numbers) of any previous supplement (or supplements) to be canceled and the number of the supplements containing all changes in the tariff in effect on the date thereof.

For example:

Supplement No. 6  
to  
USMC-F No. 1  
cancels  
Supplement No. 5

Supplements Nos. 1 and 6 contain all effective changes from the original tariff.

If the number of cancelled tariffs is so large as to render it impracticable to list them on the title page, they must be listed under an appropriate heading immediately following the table of contents, where a table of contents is required; otherwise, they must be so listed as the first entries on page 2 of the tariff; provided specific reference thereto is entered on the title page directly under the USMC number.

For example:

USMC-F No. 13  
(For cancellations, see Page 2)

If, for any cause, a tariff publication is filed which does not bear the next consecutive USMC number to the publication, previously filed, it shall be accompanied either by a memorandum, or by a statement in the letter of transmittal, in explanation of any missing number or numbers.

(b) *Name of carrier or agent.* Individual, firm or corporate name of issuing carrier or name of agent issuing under power of attorney.

(c) *Kind of tariff.* The kind of tariff as freight, refrigerated cargo, or general merchandise, etc.; joint, local, or proportional; class or commodity; classification; terminal or transit services (specifically naming them); passenger.

(d) *Territory.* The ports or geographical territory to, from or between which the tariff publication applies.



(e) *Reference to governing publications.* Reference by name and USMC-F (or -P) number to any publication governing tariff, as for example:

Governed, except as otherwise provided herein, by classification USMC-F (or -P) No. .... and by supplements thereto and successive issues thereof.

Reference to a governing publication shall not be made unless such publication is duly filed with the Commission and the carrier whose tariff makes reference thereto is shown as a participant therein under proper authority. A tariff is not governed by the rules or regulations or the classification of such governing publication referred to except when and to the extent stated on or in the tariff.

(f) *Date of issue and effective date.* A tariff, supplement, or revised page may contain matter effective upon a date different from the general effective date, in which event the following notation shall be shown immediately in connection with the general effective date:

"Effective ..... 19 .... Except as otherwise provided herein", or  
"in item .....",  
"on page .....".

If all the matter is made effective on less than statutory notice, the short notice effective date shall be shown on the title page followed by the notation that the publication is made effective "upon .... days' notice under authority of (here show authority) ....."

If the entire publication is to expire on a specified date, the expiration notice shall be shown on the title page; if only a part of the publication is to expire, the notice must be shown either in connection with and on the same page as the matter which is to expire or by reference to a rule in the tariff covering the expiration date. Changes in expiration dates shall be made only on statutory notice unless otherwise authorized by the Commission. Expirations shall be indicated as follows:

Expires ..... (date).

(g) *Issuing officer or agent.* Name, title, and post office address of the issuing officer or agent.

§ 231.5 *Contents of tariff publications.* Tariffs shall contain in the order named:

(a) *Table of contents.* Table of contents alphabetically arranged with reference to the page or item where the matter will be found. If the volume of tariff matter is so small that the title page or interior arrangement of the publication plainly discloses its contents, the table of contents may be omitted.

(b) *Issuing and participating carriers.* The individual, firm or corporate name in full of issuing and participating carrier or carriers shown in alphabetical order.

(1) *Trade names.* Trade names may be shown in parentheses immediately following the individual, firm or corporate names.

(2) *Listing of powers of attorney and concurrences.* The designation and number of the powers of attorney and concurrences (see §§ 231.21 and 231.22) shall be shown opposite each carrier's name.

(c) *Index of ports.* Alphabetical lists of the ports, places, anchorages and

roadsteads from, and to which rates, fares, or charges apply, showing in connection with each, the name of the State, Territory or possession wherein located, and the name or names of the carrier or carriers serving each port. Where practicable the alphabetical list of ports, places, anchorages, and roadsteads may appear on the title page.

Where the application of the rates, fares, charges, rules, or regulations is restricted to particular piers, docks or wharves at any port, such piers, docks or wharves must be specifically named.

(d) *Index of commodities.* An alphabetical index of all articles for which commodity rates are named, together with reference to each item and page where such article is shown. Articles shall also be cross-indexed to indicate their various names and descriptive adjectives. All of the entries relating to different kinds or species of the same commodity may be grouped together; for example, "Iron and Steel" or "Machinery", in which case, however, the articles included in a specific grouping shall also be cross-indexed.

If all the articles for which commodity rates are published in a tariff or supplement are arranged in alphabetical order by commodities in the rate section with appropriate cross-reference, the index of commodities may be omitted.

(e) *Reference marks and abbreviations.* Explanation of all abbreviations, symbols, and reference marks used in the tariff publication, except that the explanation of a symbol or reference mark used only in connection with particular matter shall be shown on the page on which used.

(f) *Exceptions.* List of exceptions, if any, to the classification tariff governing the rate tariff.

(g) *General rules and regulations.* General rules and regulations in clear and definite terms which govern the rates, fares, or charges in the tariff, the title or subject of each rule or regulation to be in distinctive type. Under this heading shall be shown all provisions which affect the charges for or the value of the service, such as separate charges for demurrage, wharfage, heavy lifts, long lengths, or other services in connection with the transportation and to what extent the rates, fares or charges in the tariff or schedule include such services, and any other rule necessary to state plainly the arrangements sought to be established. Each rule or regulation shall be given a separate number and may be subdivided into lettered paragraphs. A rule affecting a particular item, rate, fare or charge may be shown in connection with or on the same page.

(1) *Options as to applicability of rates published.* No rule shall be permitted which allows the carrier or shipper to exercise any option as to the rates to be applied.

(2) *Separate tariffs for rules.* A carrier or duly authorized agent may publish a separate tariff containing general rules and regulations affecting freight rates or passenger fares. Only one such separate publication may be filed by or on behalf of any carrier, and each publication may be used only when referred to by USMC-F (or -P) number in the

tariff of rates or fares in the following manner:

Governed, except as otherwise provided herein, by rules and regulations shown in ..... USMC-F (or -P) No. ...., supplements thereto and successive issues thereof.

(h) *The rates or fares.* A definite statement of the rates, fares or charges in cents or in dollars and cents, in lawful currency of the United States, per 100 pounds, per barrel, or other package, per ton of 2,000 pounds or per ton of 2,240 pounds, per cubic foot, or per person, or other recognized unit or basis, all arranged in clear and orderly manner. Where other currency is involved the tariff should be clear and distinct as to what rates of exchange will be used. Tariffs containing rates per barrel, or other package, shall define such package. Clear and concise rules indicating the methods to be used in determining weights or measurements shall be included in the tariff.

(1) *Arbitraries or differentials.* A tariff may provide rates or fares from or to designated ports by the addition or reduction of arbitraries or differentials to or from rates or fares from or to base ports shown in the same tariff.

(2) *Transfer charges included in joint rate or fare; and routes.* A joint through rate or fare shall include the charges for the transfer of property or passengers at the port of transshipment. Tariffs containing such rates shall include a note as follows:

The joint rates published herein include all charges for toll, wharfage, handling or other transfer services at intermediate port of transshipment.

(3) *Proportional rates and fares.* Tariffs containing proportional rates or fares shall define their application and limitation.

When through routes are established with carriers using other forms of transportation, which are not subject to the jurisdiction of the Interstate Commerce Commission, the carrier by water shall file the rates for the water portion of the through route and these rates may be set up as proportional rates.

§ 231.6 *Publication of loose-leaf tariffs—(a) Loose-leaf tariffs.* Pages of loose-leaf tariffs shall be printed (see § 231.1 (a)) on one side only. The pages shall be numbered consecutively, page number 1 being assigned to the title page. Each page originally filed shall have the designation "Original Page". Title pages shall contain the matter required in § 231.4. The name of the issuing carrier or agent, and the USMC-F (or -P) number of the tariff shall be shown at the top and the date of issue, effective date, and name, title, and post office address of the issuing officer or agent shall be shown at the bottom of each page.

(b) *Changes or additions.* Changes in loose-leaf tariffs shall be made by reprinting the page upon which change is made. Such changed page shall be designated as a revised page and shall cancel the previously designated page; for example, "First Revised Page 5 cancels Original Page 5", or "Second Revised Page 10 cancels First Revised Page 10".

(1) *Additional pages.* If the matter on a page is expanded so that it cannot be



published on a single page, an additional page may be filed bearing the same page number with a letter suffix. For example, if the matter on Original Page 10 is expanded, two pages shall be filed numbered "First Revised Page 10" and "Original Page 10-A". First Revised Page 10 shall cancel Original Page 10, and the words "Continued on Original Page 10-A" shall be shown at the bottom thereof and at the bottom of each revision thereof.

(2) *Cancellations.* If a revised page is issued which omits matter theretofore published on the page which it cancels, and such matter is published on another page, the revised page shall make specific reference to the page on which the matter will be found.

§ 231.7 *Commodity rates.*—(a) *Commodity rates.* When commodity rates are established they are the applicable rates and the only rates that may be used via the route or routes over which they apply. Commodity rates must be specific and shall not apply by implication on analogous articles; however a commodity may be specified by name in the tariff followed by the words "same rate as X" or words of similar import. As far as possible uniform commodity descriptions shall be used in all tariffs.

Where rates are published on a weight or measurement basis statement shall be specific that the basis producing the greater or lesser revenue will apply.

(b) *Grouping of articles under generic head.* A commodity item may provide rates on a number of articles by use of a generic heading without naming such articles, provided such commodity item refers to any item in the tariff or in the governing classification filed with the Commission (See § 231.4 (e)), for such list of articles. Example, "Machinery and Machines, as described in Item ----, or successive issues thereof", or "Iron and Steel Articles as described under heading 'Iron and Steel', in ---- classification."

(c) *Rule in class tariffs re commodity rates.* Commodity rates, when established, displace class rates on the same articles between the same ports and via the same route. Each class tariff or the classification or exception to which it refers shall contain a rule reading substantially as follows:

The establishment of a commodity rate removes the application of the class rate on the same article between the same ports via the same route.

(d) *Explosives and other dangerous articles.* Rates on explosives and other dangerous articles shall state that such rates will be governed by the rules and regulations of the appropriate governmental agency governing the handling of such traffic; and shall make reference to such publication by the USMC designation and number filed with the Commission (see § 231.4 (e)) by another carrier or agent and in which the carrier is a participant under authority of a power of attorney or concurrence form outlined in §§ 231.21 and 231.22.

Carriers may file such rules and regulations in tariff form in their own numerical USMC series if they so desire, in lieu of participating in such rules and regulations filed with the Commission by

carrier or agent. When so filed reference thereto by the USMC designation and number shall be made in the tariff publishing rates on such articles.

§ 231.8 *Classifications and exceptions.*—(a) *Classifications.* A tariff may be filed containing a classification of the articles upon which the rates named in other tariffs apply making reference thereto. The articles must be listed in the classification in an orderly manner and a designated rating must be shown in connection with each description thereof. Rules, if any, having an application to the classification must precede the list of articles and must be separately numbered.

(b) *Exceptions.* As far as possible, exceptions having application to rates or rules published in a particular rate tariff shall be published therein. Exception to the ratings or rules of a classification must clearly and definitely show the rating or rule to which it is an exception.

(c) *Applications of classifications and exceptions.* Classifications and exceptions have application only in connection with and to the extent provided for in tariff publications which refer thereto. (See § 231.4 (e).)

§ 231.9 *Terminal rules, charges and allowances.* Every common carrier by water subject to the regulations in this part must publish, post, and file in its rate tariffs in a definite and specific form each terminal privilege, facility, or service which is included in the port-to-port rates, fares and charges of such carrier. If these services are performed by an outside company and the carrier collects or absorbs all or part of the charges such charges or absorption must also be published in the tariff.

Provisions for the payment of allowances to shippers, consignees, or passengers in lieu of the privileges, facilities or services referred to herein must be published and filed with particularity as to the specific privilege, facility or service involved, the amount of the specific allowance to be made and the rules applying to the making of each allowance.

Changes in terminal rates, charges and provisions, based upon the rates, charges and provisions of terminal operators over which the carrier has no control may be posted and filed on not less than ten days' notice. Tariffs or schedules establishing such changes must bear the following notation in connection with the effective date thereof:

Effective ---- 19-- Issued on not less than 10 days' notice, under authority of Rule 9 of Tariff Circular No. 3 of the United States Maritime Commission.

§ 231.10 *Index of tariffs.*—(a) *Tariff index must be published, posted and filed.* Each carrier which has five or more tariffs in effect shall publish, post and file under proper USMC No. an index of the tariffs of its own issue and also tariffs to which it is a party either, as an initial or delivering carrier. Each tariff shall be shown therein under a separate item number and with the following information in separate columns:

1. USMC number.
2. The name of the issuing carrier of each.

3. The character of the tariff or description of the traffic or commodities covered thereby.

4. The ports from, to, and between which the tariff applies.

(b) *Title page.* The title page of the index shall follow the requirements of § 231.4, except that it shall not bear an effective date, but shall bear a notation as follows: "This index contains a list of tariff publications in effect on date hereof", to which may be added "or which have been filed to become effective at a later date as shown within."

The rule requiring statutory notice does not apply to indexes.

(c) *Arrangement of index.* Freight tariffs shall be arranged in the index in the following order: Specific commodities tariffs; general commodities tariffs; class tariffs, and miscellaneous tariffs.

Specific commodities tariffs shall be arranged in alphabetical order of the commodities covered, general commodities tariffs shall be arranged in alphabetical order of the ports or territory from and to which they apply in either the "From" or "To" column; miscellaneous tariffs shall be arranged in alphabetical order of the descriptions, for example, classification, rules, and terminals.

Passenger tariffs when carried in a separate index shall be arranged in alphabetical order of the ports or territories from and to which they apply in either the "From" or "To" column. Miscellaneous tariffs applicable thereto shall be arranged in alphabetical order of their descriptions.

Passenger tariffs may be included in one index covering freight tariffs also. In such cases the passenger tariff section shall follow the freight tariff section and the index shall be given a USMC number in both freight and passenger series, and four copies thereof shall be filed with the Commission.

Passenger tariffs publishing round-trip excursion fares limited to a designated period of not more than thirty days need not be listed in the index. (See § 231.15.)

(d) *Change by supplement or reissue.* The index shall be revised to reflect changes resulting from supplements to or reissues of tariffs either by reissue of the index every three months or by supplement thereto every three months and reissue every twelve months. Tariff indices should not remain in effect longer than a period of one year. Supplements to indices may be issued without regard to the volume of supplemental matter permitted by § 231.11 (d), but no more than five supplements may be in effect at any time.

Supplements to indices must be numbered consecutively (see § 231.4) and shall be arranged in the same general order as the index and shall show additions, changes and cancellations by reference to the page and item number of the entry changed or cancelled. Each new supplement shall bear on its title page the notation: "Supplements Nos. ---- and ---- contain changes in effect on date hereof", to which may be added "or which have been filed to become effective at a later date as shown within."

§ 231.11 *Amendments by supplements to tariffs.*—(a) *Amendments by supplements.* A change in or addition to a



tariff will be known as an amendment; and, excepting tariffs issued in loose-leaf form, shall be published in a supplement to or a reissue of the tariff and shall refer specifically to the page or item of such tariff or any supplement thereto which it amends.

(1) *Amendments in numbered items.* When an amendment is made in a numbered item or other unit such unit must be published in a supplement in its entirety as amended, except that where a numbered item or other unit can be understandingly amended by publication of only parts thereof, as lettered paragraphs or rules, sections or notice, for example, such amendment will be permitted, but all effective amendments to the same item or other unit must be shown in a single supplement. Changes of such numbered items or other units shall be under the same item or other unit number with a letter suffix and the original item or unit number will be cancelled, as for example, Item 10-A cancels Item 10; Item 10-B cancels 10-A and so on.

(2) *Arrangement in supplements.* The matter contained in each supplement shall be arranged in the same general order as in the tariff which it amends. (See § 231.5 (d).)

(b) *Participating carrier in supplements.* Every supplement shall contain either a list of carriers participating therein and authorities therefor, arranged as provided for in § 231.5 (b), or a statement that the participating carriers are "as shown in tariff" or "as shown in tariff amended as follows:", following which shall appear in alphabetical order the names of the carriers that have been added to or eliminated from the list of carriers shown in the original tariff, as amended, and in addition thereto any change in the name of any carrier and the form and number of any new power of attorney or concurrence applicable to any carrier participating therein. When a participating carrier is eliminated by a supplement, such supplement must also provide for the cancellation of the matter applying in connection with that carrier. Reissues of effective changes shall be indicated as required by paragraph (c) of this section.

(c) *Reissued matter.* Matter brought forward without change from one supplement to another shall be designated "Reissued" in distinctive type and shall show the original effective date, and the number of supplement from which it was reissued, as "Reissued from Supplement No. \_\_\_\_\_, effective \_\_\_\_\_, 19\_\_\_\_."

(d) *Number of effective supplements and volume of supplemental matter.* Except as otherwise provided herein, the number of supplements and volume of supplemental matter permitted to tariffs shall be:

Size of tariffs	Number of supplements
Less than 5 pages.....	1
5 but not more than 16 pages.....	2
17 but not more than 32 pages.....	3
33 but not more than 100 pages.....	4
101 but not more than 200 pages.....	5
201 but not more than 300 pages.....	6
Over 300 pages.....	7

Supplemental matter will be permitted up to 50 per cent of the original tariff.

Title pages shall be counted in computing the volume of supplemental matter.

§ 231.12 *Cancellations*—(a) *Cancellation of tariff cancels supplements.* Cancellation of a tariff also cancels supplements thereto.

(b) *Cancellation of a tariff by another tariff.* If a tariff is cancelled by the issuance of a similar tariff to take its place, cancellation shall be made by notice printed in the new tariff as provided in § 231.4 (a).

(c) *Cancellation by supplement.* If a tariff is to be cancelled and the matter contained therein is not republished in another tariff or when through error or omission a later issue fails to cancel the previous issue, cancellation shall not be made under a new USMC number but shall be made by a supplement to the tariff (including a loose-leaf tariff) which it cancels. Such supplement may be issued without regard to the provisions of § 231.11 (d).

(d) *Partial cancellation.* If a tariff publication is to displace a part of another tariff which is in force at the time and which is not to be cancelled in full, it shall provide for the cancellation substantially as follows: "Cancels USMC-F (or -P) No. \_\_\_\_\_ to the extent shown in Supplement No. \_\_\_\_\_ thereto"; or "Cancels USMC-F (or -P) No. \_\_\_\_\_ to the extent shown in \_\_\_\_\_ revised page No. \_\_\_\_\_ thereof"; and such other tariff shall, effective on the same date, be amended correspondingly by reissue or supplement if tariff is in book or pamphlet form, or by revised page, if tariff is in loose-leaf form.

(e) *Cancellation of items.* When parts of a tariff publication (except tariff in loose-leaf form or classification) are designated as items, cancellation of any item by supplement must be under the same item number. See § 231.11 (a).

If an item or any part thereof is transferred to another item or different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates, fares or charges are to be found. If an item is withdrawn in its entirety or expires by its own terms leaving no rates, fares, charges or provisions in effect in that item, the cancellation or expiration must be brought forward in subsequent supplements as a reissued item so long as the cancellation or expiration remains in force. An item once lawfully eliminated by cancellation or expiration may be reinstated by republication under a new effective date, which must be under the same original item number with, however, the next appropriate letter suffix.

(f) *Cancellation shall refer to applicable rates or fares thereafter.* When tariff matter is to be cancelled the cancelling publication shall show where the future tariff matter will be found or what will thereafter apply, for example: "Rates or fares, charges or classifications, rules or regulations in USMC-F (or -P) No. \_\_\_\_\_ will apply", or "rates or fares in Item \_\_\_\_\_ will apply", or "class rates will apply", or "no rates or fares in effect." If the cancellation or omission affects changes in charges or services,

that fact shall be indicated by the use of the uniform symbols prescribed by § 231.3.

(g) *Transfer of matter from carriers to Agent's publication and from Agent's to carrier's publication.* When a duly authorized agent provides matter in his publication which is to displace matter in his principal's publication the agent must cancel the matter in his principal's publication as per paragraphs (b), (c) and (d) of this section.

A carrier must not provide in its individual publications matter which is to displace that provided in a tariff of a duly authorized agent unless the carrier's publication is accompanied by a supplement issued by the agent cancelling from his publication the matter concerned, as paragraphs (c), (d), and (f) of this section.

§ 231.13 *Notice requirements and rejections*—(a) *Notice required.* Every tariff, supplement, or revised page, published, posted and filed shall bear an effective date, and except as otherwise provided for by rule, special permission, or order of the Commission, shall give the full statutory notice of thirty (30) days, the time to run from the date the tariff, supplement, or revised page is received by the Commission.

Date when telegraphic notice is received or when a tariff, supplement or revised page is mailed cannot be counted as the beginning of the notice period unless permission to publish and file on shorter notice is granted by the Commission pursuant to § 231.14. See § 231.4 for method of indicating effective date and special permission. A tariff publication issued on notice shorter than the statutory notice of thirty days must indicate the authority therefor.

(b) *Rejection of tariff publication.* Tariff publications received for filing too late to give the notice required by law or by any rule, special permission or order of the Commission, or which do not conform to regulations of the Commission may be rejected for filing and returned to the filing carrier or agent.

(c) When a tariff publication is rejected, it is void and its use shall be unlawful. The number which the rejected publication bears shall not again be used; and such publication shall not thereafter be referred to as cancelled or amended, but the publication that is issued in lieu thereof shall cancel or amend the publication which was to have been cancelled or amended by the rejected issue and shall bear the notation:

Issued in lieu of USMC No. F (or P) \_\_\_\_\_ or supplement No. \_\_\_\_\_, or revised page No. \_\_\_\_\_ rejected by the United States Maritime Commission.

(d) *Acceptance of tariff not approval of legality for all purposes.* The fact that a tariff publication is on file with the Commission does not relieve carriers from responsibility for any violation of law or regulations of the Commission issued thereunder.

§ 231.14 *Special permission applications*—(a) *Application for short notice.* Applications for permission to publish tariff matter upon less than the 30 days' notice required by the act shall be in form substantially as follows; and shall be sworn to before a Notary Public.



## RULES AND REGULATIONS

## APPLICATION FOR SPECIAL PERMISSION

Name of carrier \_\_\_\_\_  
 Address \_\_\_\_\_ Date \_\_\_\_\_

U. S. MARITIME COMMISSION,  
 Division of Regulation,  
 Washington, D. C.

The \_\_\_\_\_, by \_\_\_\_\_  
 (Name of carrier) (Name of officer)  
 Its \_\_\_\_\_, hereby petitions the  
 (Title of officer)

United States Maritime Commission for permission to put in force the following rates (or fares, charges or provisions), to become effective \_\_\_\_\_ days after the filing thereof with the United States Maritime Commission.

(State fully here or in an accompanying exhibit the rates, or fares, charges, classifications, rules or regulations which it is desired to put into effect, the articles upon which they are to apply and the ports of origin and destination. When permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation shall be shown.)

Your petitioner further represents that the said rates (or fares, charges, classifications, rules or regulations) above mentioned will be published in USMC-F (or -P) No. \_\_\_\_\_, or in a consecutively numbered supplement to or revised page of USMC-F (or -P) No. \_\_\_\_\_, and will supersede and take the place of the rates (or fares, charges, classifications, rules or regulations) on like traffic from and to the ports above as set forth in tariff USMC-F (or -P) No. \_\_\_\_\_ (or supplement or revised page No. \_\_\_\_\_) on file with the Commission.

(Here state specifically or by reference in an accompanying exhibit the present rates (or fares, charges, classifications, rules or regulations), together with the USMC number of the tariff in which published and the effect of the proposed change.)

(Here state the names of competing carriers that publish rates (or fares, charges, classifications, rules or regulations), covered by the application, between the same or related points, the USMC numbers of the tariffs of such carriers, the date on which such carriers have been notified of the changes proposed by the application and a brief statement of their views respecting the proposal.)

(Here state the basis on which the proposed rates (or fares, charges, classifications, rules or regulations) are constructed.)

(Here state the relationship, if any, between the ports of origin and destination covered by the application and other ports not covered hereby and relationship, if any, the rates (or fares, charges, classifications, rules, or regulations) covered hereby bear to rates (or fares, charges, classifications, rules or regulations) on commodities not covered hereby.)

And your petitioner further bases such request upon the following facts, which present special circumstances and conditions justifying the request herein made:

(State fully all circumstances and conditions which are relied upon as justifying the application; why the change was not established upon statutory notice, and any other facts which may aid the Commission in determining the question presented.)

(Name of carrier in full)  
 By: \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Name and title)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

[SEAL] \_\_\_\_\_  
 Notary Public.

(b) *Applications for waiver of rules.* Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form, but shall contain a list of the rules, waiver of which is sought, and the reasons therefor.

(c) *Number of copies of application; size and mailing.* Two copies of each application shall be filed, including exhibits attached thereto, on paper 8 x 10 1/2 inches in size, addressed to the Division of Regulation, United States Maritime Commission, Washington, D. C. Applications shall be numbered consecutively. Carriers or agents who have not filed such applications should commence with number 1, and others should continue their present series of numbers.

(d) *Filing and signing of applications.* Applications must be filed in the correct legal name of the carrier, whether an individual, partnership, or corporation, and must be filed by a duly authorized representative or in his name by an individual so authorized to sign under power of attorney as set forth in § 231.21.

When an application is filed by an agent the appropriate change should be made in the introductory paragraph to indicate that it is filed for and on behalf of all carriers participating in the tariff publication covered by the application and shall be signed by said Agent.

(e) *Requests for authority to make changes.* Requests for authority to make changes on short notice when a formal order of the Commission requires 30 days should not be made by special permission application, but should be filed as petitioned on the formal docket for modification of the order.

(f) *Reason for special permission.* Applications should contain full and explicit statements as to the emergency existing and the justification for the special permission. Clerical or typographical errors in rate tariffs constitute good cause, but applications must give a statement of the circumstances attending the error. A desire to meet the rates of a competing carrier which has given 30 days' notice of change will not of itself be regarded as good cause for granting the special permission.

§ 231.15 *Round trip excursion fares.* Round trip excursion fares limited to a designated period of not more than thirty days may be established upon not less than 10 days' notice. Tariff circulars or revised pages filed under authority of this rule shall bear the notation:

Effective \_\_\_\_\_ 19\_\_\_\_ Issued upon not less than 10 days' notice, authority of Rule 15, United States Maritime Commission's Tariff Circular No. 3.

Fares for an excursion limited to a designated period of more than 30 days will require statutory notice unless shorter time is allowed in special cases by special permission. See § 231.14.

The term "limited to a designated period" as used in this rule means the period between and including the date

the transportation can first be used and the date upon which it expires.

Tariffs containing fares which include hotel accommodations, admission to entertainments, side trips, or other special services shall show such service and shall show separately the carrier(s) portion of such fare, which shall be alike to all, regardless of who uses such additional service.

§ 231.16 *Service to additional ports.* Section 2 of the Intercoastal Shipping Act, 1933, as amended, permits carriers to file schedules or changes which provide for extension of actual service to additional ports at rates or fares of said carriers already in effect for similar service at the nearest port of call to said additional ports, effective upon immediate notice to the Commission. A tariff, supplement or revised pages establishing such provisions shall bear an effective date which shall not be earlier than the date it is received by the Commission for filing and shall contain the following notation:

Effective \_\_\_\_\_, 19\_\_\_\_ Issued upon authority of Section 2, Intercoastal Shipping Act, 1933, as amended, account extension to \_\_\_\_\_ (here show name of additional port) at rates or fares (or charges, classifications, rules or regulations) applicable from, to or at (as the case may be) \_\_\_\_\_ (here show name of nearest port from and to which similar service is maintained).

§ 231.17 *Extension of terminal facilities.* Carriers may publish and file schedules establishing, effective upon not less than three days' filing and posting in the manner required by law, additional terminal facilities for the loading and/or discharging of cargo at the rates currently applicable at other facilities in the same port or harbor for account of the carrier for which the additional facility is established.

Tariff publications filed under permission of this section shall bear the following notation:

Effective \_\_\_\_\_, 1947. Issued on not less than three days' notice under authority of Rule 17, United States Maritime Commission Tariff Circular No. 3.

§ 231.18 *Adoption of tariffs and other documents of predecessor carrier—(a) Adoption notice.* When the name of a carrier is changed, or when its operating control is transferred, or otherwise acquired, the carrier which will thereafter operate the properties shall file and post an adoption notice, numbered in its freight (and/or passenger) USMC tariff series reading as follows:

USMC-F (or -P) No. \_\_\_\_\_

(Name, also trade name, if any, of adopting carrier)

## ADOPTION NOTICE

The (name (also trade name if any) of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all freight (or passenger) tariffs, rules, notices, concurrences) divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the United States Maritime Commission by, or heretofore adopted by, the \_\_\_\_\_ (name (also trade name, if any) of former carrier), prior



to ----- (date change in name or operation occurred.)

Issued: ----- Effective: -----  
 Issued by: -----  
 By: -----

(b) *Supplements to former carrier's tariffs.* The new carrier shall also file immediately a consecutively numbered supplement or revised page to each of the tariffs of the former company covered by the adoption notice, reading as follows:

Effective ----- (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the ----- (name of adopting carrier) as per its adoption notice USMC-F (or -P) No. -----.

Supplements issued under authority of this section shall contain no other matter, shall bear reference to this section and may be issued without regard to the provisions of § 231.11 (d).

(1) *Later supplements to be filed by new carrier.* Supplements to such tariffs, subsequently filed by the adopting carrier, shall be given the next consecutive number to the number of the adoption supplement. New tariffs reissuing or succeeding the adopted publication shall be numbered in the U. S. M. C. series of the adopting carrier.

(2) *Cancelled old tariffs must be described.* When adopted tariffs are cancelled by new tariffs of the adopting carrier, the cancellation reference must describe the cancelled tariff by using the name of the former issuing carrier.

(c) *Supplements to tariffs filed by other carriers and agents.* Each tariff issued by other carriers or by agents in which the line absorbed, taken over, operated by another carrier, or whose name is changed, is named as a participating carrier, shall be amended, by eliminating the former carrier and by adding the adopting carrier as a participating carrier. Such change may be established on not less than one day's notice. The change covering such instances must bear the notation:

Effective ----- 19---- Issued on not less than one day's notice, authority of Rule 18 (c), United States Maritime Commission Tariff Circular No. 3.

The supplement or revised page shall also contain the following provision:

The ----- (name of adopting carrier) by its adoption notice U. S. M. C. No. -----, having taken over tariffs, etc. of the ----- (name of former carrier) the ----- (name of adopting carrier) is hereby substituted for the ----- (name of former carrier) wherever it appears in this tariff.

(d) *Receivership.* Similar adoption notices numbered consecutively in the USMC series of the carrier shall be filed by a receiver or trustee when he assumes possession and control of a carrier's lines. When the receivership or trusteeship is terminated, the carrier taking over the properties shall file an adoption notice and, if a change in the name of the carrier has been made, shall also file supplements as hereinabove prescribed.

(e) *Filing and effective date.* Notices of adoption should be filed with the Commission immediately and, if possible, on or before the effective date shown therein. Copies shall be sent to each agent or car-

rier to which power of attorney or concurrence has been given. The notice shall refer to this section and its effective date shall be the date (as shown in the body of the adoption notice) on which the change in name or operation occurs.

(f) *Concurrences and powers of attorney to be replaced.* Powers of attorney and concurrences adopted by a carrier or a receiver shall within 90 days be replaced and superseded by new concurrences and powers of attorney issued by and numbered in the series of the new carrier or receiver, except that if desired, the receiver may number concurrences and powers of attorney in the series of the former carrier. The cancellation reference to the former concurrence or power of attorney shall include the name of the former issuing carrier. Powers of attorney and concurrences which will not be replaced by new issues must be regularly invoked on the notice and in the manner prescribed in §§ 231.21 and 231.22.

(g) *Cancellation.* If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney should be regularly cancelled upon not less than 30 days' notice. The cancellation notice shall show that cancellation is made on account of discontinuance of operation.

(h) *Partial adoption.* When the operating control of only a part of a carrier's properties is transferred to another carrier, the carrier which will thereafter operate the properties must follow the procedure hereinbefore outlined making such changes in the notice as will specify the particular ports, routes or facilities covered and, if there is any overlapping of the transferred and the remaining service, the same should be explained in the notice.

The old carrier shall immediately file, under proper concurrence from the adopting carrier, a supplement or revised page to each of the tariffs, covered by the adoption notice, setting forth the extent to which the adoption applies to the tariff. The supplement or revised page shall contain no other matter and may be issued without regard to § 231.11 (d).

In such cases, the adopting carrier, as quickly as possible, shall transfer the adopted rates, fares, charges, rules or regulations to its tariffs and the old carrier shall cancel the corresponding matter from its tariff, effective on the same date, with reference to the USMC-F (or -P) number of the adopting carrier for rates, fares, or charges applying thereafter.

§ 231.19 *Seasonal discontinuance and restoration of transportation service.* Tariffs naming all-water rates or fares applicable via routes closed to navigation during a part of the year may expire, or may be cancelled at the close of navigation and republished at the opening of navigation each year, or may provide for discontinuance and restoration of service in the manner prescribed in this section.

(a) *Title page notation.* The following notation shall appear on the title page of the tariff.

Transportation service via (here insert name of carrier) is subject to discontinuance at close of navigation and restoration upon

opening of navigation as provided in Rule ----, page ---- of this tariff.

(b) *When definite period of service can be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined the following rule shall be published in the tariff under the heading "Application of Rates (or fares)":

Shipments (or passengers) will be accepted by this company (or by carriers parties to this tariff) during the period from ----- (here show earliest date upon which shipments (or passengers) will be accepted for transportation) to ----- (here show last date upon which shipments (or passengers) will be accepted for transportation, allowing sufficient time for vessel to reach destination before close of navigation) of each year.

No supplements will be issued to this tariff announcing the date of discontinuance or restoration of transportation service.

(c) *When definite period of service cannot be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published under the heading of "Application of Rates (or Fares)":

Shipments (or passengers) will be accepted by this company (or by carriers parties to this tariff) during the period each year from which restoration of transportation service is announced until discontinuance of transportation service is announced, by supplements to this tariff.

NOTE: When either the date of discontinuance or the date of restoration (but not both) of transportation service may be predetermined, the rule in paragraphs (b) and (c) of this section may be modified accordingly.

(d) *Supplements.* Supplements announcing discontinuance or restoration of transportation service under this section may be filed with the United States Maritime Commission, and posted at ports from which the rates (or fares) apply, upon not less than ten days' notice, and may be issued without regard to the volume and number of supplements permitted by § 231.11 (d). Only one such supplement may be in effect at any time. It shall contain no other matter except that a supplement announcing discontinuance of service shall contain a statement that "service will be restored on ----- (date) unless restored by supplement at an earlier date."

(e) *Reissue or amendment of tariffs.* Tariffs containing all-water rates or fares subject to paragraph (c) of this section may be amended or reissued in the regular way at any time, but if made effective subsequent to the date of discontinuance of service shall contain a statement that "transportation service was discontinued on -----, as announced by Supplement No. ---- to USMC-F (or -P) No. ---- (former tariff) (or as announced by Supplement No. ---- to this tariff), that further supplement announcing discontinuance of service will not be filed, and that service will be restored on ----- (date) unless restored by supplement at an earlier date."

(f) *Shipments reaching port of transshipment too late for furtherance by*



water. The tariff rule relating to discontinuance of service should contain provisions covering the handling of shipments which may arrive at carrier's port of embarkation after the date on which the service is discontinued.

§ 231.20 *Suspension of tariff publications*—(a) *Supplements announcing suspension*. When the Commission suspends a tariff, supplement or revised page wholly or in part, the carrier or agent who filed such publication shall immediately file a supplement, which must not bear an effective date, quoting the pertinent parts of the order of suspension which describes the publication or part or parts thereof suspended, and stating that the publication (or the part or parts thereof) specified in the order is (or are) under suspension and may not be used until the date named in the suspension order, and that the rates, fares, charges, classifications, rules, regulations or practices theretofore in effect and which were to be changed by the suspended publication, or part or parts thereof, shall remain in effect during the period of suspension. Such supplement shall state by USMC number the tariff, supplement or revised page where the matter continued in effect will be found. That part of the Commission's order which prohibits changes in the suspended matter and in the matter continued in effect by reason of the suspension shall be reproduced in the suspension supplement.

(b) *Suspended matter reissued*. When a supplement or revised page has been suspended in whole, or in part, and prior to the filing of the supplement announcing such suspension there is filed a later supplement or revised page which contains, as reissues, the matter suspended in the previous supplement or revised page, the suspension supplement required by paragraph (a) of this section shall also specifically cancel such reissued matter from the later supplement or revised page. The suspension supplement shall also amend the title page of said later supplement or the later revised page to indicate that cancellations of the previous suspended or revised page shall apply only to the portions thereof not under suspension.

(c) *Changes prohibited*. Suspended matter may not be changed or withdrawn or the effective date thereof be further deferred, except by order or special permission of the Commission; and no change may be made in matter which is continued in effect as a result of such suspension, except by order or special permission of the Commission.

(d) *Volume of supplemental matter waived*. When a tariff is suspended in its entirety the previous tariff and effective supplements or revised pages thereto are continued in effect and will remain in effect during the period of suspension or until lawfully cancelled or reissued. Supplements containing additions or changes in matter not sought to be changed by the suspended tariff may be filed to the previous tariff without regard to the volume of supplemental matter which the effective supplements may contain.

(e) *Reissue when suspended in part*. The effective matter in a tariff publica-

tion, which has been suspended in part, may be reissued during the period of suspension. When this is done the new tariff publication shall cancel the tariff publication which was suspended in part "except portions under suspension in Docket No. \_\_\_\_". (See paragraph (c) of this section.)

(f) *When suspension order is vacated*. When the Commission vacates an order of suspension as of a date earlier than the date to which the tariff publication is suspended, the carrier or agent who filed the tariff publication, which was suspended in whole, or in part, may file with the Commission, on not less than one day's notice, unless otherwise provided by the order, a supplement or revised page, stating the date upon which the tariff publication or any matter contained therein, will become effective. Unless such supplement or revised page is filed naming a date earlier than the date to which the tariff publication is suspended, the suspended matter will become effective on the date to which suspended.

When an order which suspended a tariff in its entirety is vacated, the vacating supplement or revised page filed under authority of this section, if made effective on or before the date to which the tariff is suspended, may also include as reissues, the changes or additions which have been lawfully established in supplements or revised pages to the former tariff. No other matter may be included in the vacating supplements.

(g) *Cancellation of suspended matter*. When the Commission orders the cancellation of a tariff publication or any matter therein, theretofore suspended by it the cancellation shall be effected by filing with the Commission, upon not less than one day's notice, unless otherwise provided by the order, a supplement or revised page stating the date upon which, in accordance with the Commission's order, such suspended matter is cancelled.

If the suspended matter is not cancelled on or before the date to which suspended, but is allowed to become effective, the matter which has continued in effect during the period of suspension will thereby be cancelled automatically and it will then be necessary, when cancelling the suspended matter, to republish and reestablish the former matter.

(h) *Section 231.10 waived*. Suspension, vacating, and cancellation supplements issued under authority of this section will not be counted against the number of effective supplements or the volume of supplemental matter to which the tariff is entitled under § 231.11, but must list effective supplements as required by that rule. Every such supplement shall bear on its title page the notation:

Effective \_\_\_\_\_ 19\_\_\_\_ Issued under authority of Rule 20 (h), Tariff Circular No. 3 and in compliance with order of the United States Maritime Commission, in Suspension Docket No. \_\_\_\_\_, of \_\_\_\_\_ (date).

This section is only applicable to carriers covered by the Intercoastal Shipping Act, 1933, as amended.

§ 231.21 *Power of attorney*—(a) *Carriers may confer authority upon agent by power of attorney*. A carrier may give

authority to an individual as agent to issue and file tariffs, supplements thereto, and revised pages thereof, in its behalf, and when acting for it jointly with one or more carriers, to receive concurrences therein, by executing a power of attorney in the following form:

(See foot note.) MXFA (or MXPA) No. \_\_\_\_  
cancels MXFA (or MXPA) No. \_\_\_\_  
(Name of carrier) \_\_\_\_\_  
(Post office address) \_\_\_\_\_

Date \_\_\_\_\_ 19\_\_\_\_

Know all men by these presents:

That the \_\_\_\_\_ (name of carrier) has made, constituted, and appointed, and by these presents does make, constitute and appoint (name of agent), its true and lawful attorney and agent, for and in its name, place, and stead to file tariffs, and classifications, and supplements thereto and revised pages thereof, and when acting for it jointly with one or more carriers, to receive concurrences therein as required on common carriers by water in interstate commerce, by the Intercoastal Shipping Act, 1933, as amended, and by regulations established by the United States Maritime Commission pursuant to the provisions of said Act, for the period of time, the traffic, and the routes herein designated:

And the said \_\_\_\_\_ (name of carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act hereinabove specified as fully, and to all intent and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

That the authority herein granted shall continue until cancelled or revoked.

In witness whereof the said \_\_\_\_\_ (name of carrier) has caused these presents to be signed in its name by its \_\_\_\_\_ President and to be duly attested under its corporate seal by its \_\_\_\_\_ Secretary, at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

By:

(Name of carrier)

Attest:

(Secretary)

(Corporate seal if any)

Footnote: Use designations: "MXFA" for freight and "MXPA" for passenger powers of attorney.

(1) *Form may be modified*. The form may be modified by the omission and/or addition of words to show the exact authority conferred.

(2) *Execution; serial number*. Powers of attorney shall be issued in the correct and complete name of the individual, firm or corporation, followed, if desired, by the trade name in parentheses. When issued by an individual or by a firm they shall be signed by the owner or owners and when issued by an incorporated company shall be signed by a duly authorized official thereof and attested by its secretary, under corporate seal. Powers of attorney filed by each carrier shall be numbered consecutively in the carrier's MXFA (or MXPA) series beginning with number 1. Separate series shall be maintained for freight and passenger issues.

(b) *Alternate agent*. A carrier may also grant authority to an individual as an alternate agent to file tariffs, supplements thereto or revised pages thereof, in the case of temporary or permanent ab-



sence of the agent. In such cases the power of attorney form shall contain a provision reading substantially as follows:

And further, that the \_\_\_\_\_ (name of carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternate agent \_\_\_\_\_ (name of alternate agent) its true and lawful attorney and agent for said company, and in its name, place and stead, in case of temporary or permanent absence of the said agent \_\_\_\_\_ (name of agent) to do and perform the same acts and exercise the same authority, as hereinabove granted to \_\_\_\_\_ (name of agent), and does hereby ratify and confirm all that the said alternate attorney and agent may lawfully do by virtue of the authority hereby granted and does hereby assume full responsibility for the acts and neglects of said alternate attorney and agent.

A carrier engaged in a particular trade, as, for example, between U. S. ports and Alaska or Hawaii, may give authority to another carrier also engaged in that trade to publish in its behalf, its rates, fares, charges, classifications, rules and regulations, by executing a power of attorney in the form substantially as outlined herein.

A carrier to whom authority is given to publish the rates, fares, charges, classifications, rules and regulations of another carrier engaged in the same trade, shall show in its tariffs the name or names of the carriers operating in the same trade, for whose account the rates, fares, charges, classifications, rules and regulations are published as participating therein, and the symbols and numbers of the powers of attorney executed in favor of the issuing carrier in the trade as provided in § 231.3 (b).

(c) *Form of publication by alternate agent.* An alternate agent may act only during the temporary or permanent absence of the agent. Tariffs, supplements thereto, or revised pages thereof, filed by an alternate agent during the temporary absence of the agent, shall be published in the name of the agent, per the alternate agent in the following form:

Effective \_\_\_\_\_ 19\_\_\_\_ Issued by \_\_\_\_\_ Agent per \_\_\_\_\_

Tariffs, supplements thereto, or revised pages thereof shall be issued and filed in the name of the alternate agent, in cases of permanent absence of agent.

The term "temporary absence" means absence of the agent due to vacation, illness, or other cause.

The term "permanent absence" means absence of the agent caused by permanent disability, separation from the service or death.

An agent or an alternate agent to whom power is granted by power of attorney may not delegate such power of attorney to another.

In the event of separation, permanent disability or death of the principal agent a new power of attorney shall be filed within 90 days cancelling the effective power of attorney, and naming the principal and alternate thereafter to serve.

(d) *Cancellation.* A power of attorney may be revoked by revocation notice or cancelled by a new power of attorney. Revocation notice must bear an effective date, which must be not earlier

than the date of receipt by the Commission for filing. A power of attorney, cancelling a previous issue, will become effective upon date of receipt by the Commission. A revocation notice shall not be given a serial number, but shall specify the symbol and number of the power of attorney to be revoked and the name of the agent and alternate agent in whose favor it was executed, and shall be executed in the same manner as the instrument to which it is directed. It shall be in the following form:

#### REVOCATION NOTICE

\_\_\_\_\_  
(Name of carrier)  
\_\_\_\_\_  
(Post office address)  
Date \_\_\_\_\_ 19\_\_\_\_

Know all men by these presents:

Effective \_\_\_\_\_, 19\_\_\_\_, Power of Attorney MXFA (or MXPA) No. \_\_\_\_\_ Issued by \_\_\_\_\_ (name of issuing carrier) in favor of \_\_\_\_\_ (here show names of agent and alternate agent in whose favor power of attorney was executed), is hereby cancelled and revoked.

\_\_\_\_\_  
(Name of carrier)  
By \_\_\_\_\_  
Its \_\_\_\_\_ President

\_\_\_\_\_  
Secretary  
(Corporate seal if any)

Carriers should be careful to cancel all rates, fares, charges, rules and regulations which are no longer to remain in force and effect after a revocation of power of attorney, and to make sure that any agent or alternate agent replacing the agent and alternate agent whose powers of attorney were cancelled follows the procedure set forth in paragraph (g) of this section. An agent acting for more than one carrier and whose power as to one carrier has been revoked should amend his existing tariffs by eliminating the revoking carrier as a participant therein and by cancelling from such tariff any provisions applicable solely to the revoking carrier.

(e) *Size and number.* Powers of attorney and revocation notices directed thereto shall be issued in triplicate, 8 x 10½ inches in size. The original shall be printed or typewritten on paper of good quality and shall be filed with the Commission; the duplicate shall be furnished to the agent in whose favor the instrument is executed; and the triplicate shall be retained by the issuing carrier.

(f) *Agent acting for two or more carriers.* If two or more carriers execute powers of attorney, designating the same agent and alternate agent, it will not be necessary for these carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority. The concurrence of every other carrier participating in any tariff, classification, or supplement filed by any such agent or alternate agent shall be on file with the Commission (or may accompany the tariff) as provided in § 231.22 (g).

(g) *Effective date and filing of powers of attorney.* Powers of attorney will become effective upon the date of receipt by the Commission. An agent may collect the originals of his powers of attorney and concurrences and file them with the Commission at one time in lieu of the

carriers filing them individually with the Commission, as provided herein.

(h) *Appointment of new agent.* When a new agent is appointed, or when an alternate agent in the case of permanent absence of the agent, assumes the duties of the agent, the new agent, upon receipt of necessary authority, or the alternate agent, in the case of permanent absence of the agent, shall amend immediately each of the effective tariffs issued by the agent superseded, effective on one day's notice, showing such change and containing a statement reading substantially as follows:

On and after \_\_\_\_\_  
(here show date), this publication shall be the issue of \_\_\_\_\_  
(here show name of new agent or alternate agent acting as such).

Amendments filed pursuant to this paragraph must bear the notation: "Issued on not less than one day's notice, authority of Rule 21 (h) of Tariff Circular No. 3."

§ 231.22 *Concurrence in tariffs.* Concurrence in a tariff filed by a carrier or by an agent for one or more carriers may be given in the following forms. (Concurrences shall be numbered consecutively in each series beginning with No. 1 and separate series shall be maintained for freight and passenger concurrences):

(a) *Concurrence in tariffs filed by a carrier.* The following form shall be used in giving concurrence in tariffs issued and filed by another carrier:

MXF-No. \_\_\_\_\_ (or MXP-1 No. \_\_\_\_\_)  
Cancels MXF-No. \_\_\_\_\_ (or MXP-1 No. \_\_\_\_\_)

\_\_\_\_\_  
(Name of carrier)  
(General Freight (or Passenger) Department)  
\_\_\_\_\_  
(Post office address)

Date \_\_\_\_\_ 19\_\_\_\_  
To the United States Maritime Commission,  
Division of Regulation,  
Washington, D. C.

This is to certify that the \_\_\_\_\_ (name of carrier) assents to and concurs in the publication and filing of freight (or passenger) tariff publications as defined below, which the \_\_\_\_\_ (name of carrier) may publish and file, and hereby makes itself a party thereto and bound thereby until this authority is revoked by a new certificate of concurrence, or by notice of revocation filed with the United States Maritime Commission and sent to the carrier to which this concurrence is given:

Any freight (or passenger) tariff, supplements thereto, or revised pages thereof, and successive issues thereof, published and filed by \_\_\_\_\_ (name of carrier) insofar as such publication contains freight rates (or fares), charges, rules and/or regulations on \_\_\_\_\_ or between \_\_\_\_\_ and \_\_\_\_\_; or from \_\_\_\_\_ to \_\_\_\_\_; or at \_\_\_\_\_ or from, to, or via the line of the \_\_\_\_\_ (name of carrier).

By \_\_\_\_\_  
\_\_\_\_\_  
(Title)

(See also paragraph (c) of this section.)

(b) *Concurrence in tariffs filed by an agent.* The following form shall be used in giving concurrence in tariffs issued and filed by an agent acting for one or more carriers:



## RULES AND REGULATIONS

MXF-2 No. ---- (or MXP-2 No. ----)  
 Cancels MXF-2 No. ---- (or MXP-2 No. ----)  
 -----  
 (Name of carrier)  
 -----  
 (General Freight (or Passenger) Department)  
 -----  
 (Post office address)  
 -----

Date ----- 19--

To the United States Maritime Commission,  
 Division of Regulation,  
 Washington, D. C.

This is to certify that the -----  
 (name of carrier) assents to and concurs in  
 the freight (or passenger) tariff publications  
 defined below, which the carriers for which  
 ----- (name of principal  
 agent) or ----- (name of  
 alternate agent) may act under power of  
 attorney filed with the United States Mari-  
 time Commission, may publish and file  
 through either of said agents, and in which  
 it is named as a participating carrier, and  
 hereby makes itself a party to and bound  
 thereby, until this authority is revoked by  
 a new certificate of concurrence or by notice  
 of revocation filed with the United States  
 Maritime Commission and sent to the car-  
 riers to which this concurrence is given, or  
 to their agents named herein:

Any freight (or passenger) tariff, supple-  
 ments thereto, or revised pages thereof, and  
 successive issues thereof, published and filed  
 through either of said agents insofar as such  
 publication contains freight rates (or fares),  
 charges, rules or regulations on -----  
 -----; or between -----  
 and -----; or from -----  
 ----- to -----; or at  
 -----; or from, to or via the  
 line of the ----- (name of  
 carrier).

(Name of carrier)  
 By -----  
 ----- (Title)

(See also paragraph (c) of this section.)

(c) *Concurrence in specified tariff.*  
 Where a carrier desires to express con-  
 currence in a single tariff filed by a car-  
 rier or by an agent acting for one or more  
 carriers, the following may be substi-  
 tuted for the second paragraph of the  
 form in paragraph (a) or (b), as the  
 case may be, of this section.

Title and number -----  
 (here give brief description of the tariff pub-  
 lication including number and name of  
 series) supplements thereto or revised pages  
 thereof, and successive issues thereof, issued  
 by ----- (name of carrier or  
 agent). Date of issue ----- 19--

Effective ----- 19--  
 ----- (Name of carrier)  
 ----- (Title)

The granting of authority to issue  
 tariffs under powers of attorney or con-  
 currences shall not relieve the carrier  
 conferring such authority from the ne-  
 cessity of complying with the foregoing  
 requirements governing the posting and  
 filing of tariffs, but such carrier may use  
 for that purpose tariffs so issued under  
 such authority.

Concurrences shall be issued in the  
 correct and complete name of individual,  
 firm or corporation, followed, if desired,  
 by the trade name in parentheses.

(d) *Cancellation or revocation of con-  
 currences.* A concurrence may be re-  
 voked by a revocation notice or cancelled  
 by a new concurrence. A revocation notice  
 must bear an effective date, which  
 which must be not less than 30 days after  
 its receipt by the Commission for filing.

A new concurrence need not bear an  
 effective date and will become effective  
 upon date of receipt by the Commission.  
 A revocation notice shall not be given a  
 serial number but shall specify the form  
 and number of the concurrence to be re-  
 voked and the name of the carrier or  
 agent in whose favor issued. It shall be  
 in the following form:

## REVOCATION NOTICE

-----  
 (Name of carrier)  
 -----  
 (General Freight (or Passenger) Department)  
 -----  
 (Post office address)  
 -----

Date ----- 19--

To United States Maritime Commission,  
 Division of Regulation,  
 Washington, D. C.

Effective ----- 19-- con-  
 currence form MXF-1 No. ---- (or MXP-1  
 No. ----), MXF-2 No. ---- (or MXP-2  
 No. ----) issued by -----  
 (name of carrier) in favor of -----  
 (here show name of carrier or names of  
 principal and alternate agents in whose favor  
 concurrence was issued) is hereby cancelled  
 and revoked.

----- (Name of carrier)  
 ----- (Title)  
 Duplicate mailed to -----  
 (name or title of officers)  
 (name of carrier or agent or principal agent)  
 ----- (address).

When a concurrence is revoked neces-  
 sary revision in tariffs shall be made by  
 cancelling the rates (or fares), charges,  
 rules or regulations which were issued  
 under authority therefor, effective upon  
 statutory notice not later than the date  
 revocation will become effective.

(e) *Replacement of concurrence forms  
 for new agent.* When one agent and  
 alternate agent is to be succeeded by an-  
 other agent and alternate agent, con-  
 currence forms must be replaced by new  
 forms, naming the agent and alternate  
 agent thereafter to serve. Such new  
 forms cancelling the former issues will  
 become effective upon the date of receipt  
 by the Commission and may be filed by  
 each carrier; or the new agent may col-  
 lect the originals of his powers of attor-  
 ney and concurrences and file all of them  
 with the Commission at one time.

(f) *Form of concurrences and revoca-  
 tion notices.* Concurrences and revoca-  
 tion notices directed thereto shall be is-  
 sued in triplicate, 8 x 10½ inches in size.  
 The original shall be printed or type-  
 written on paper of good quality, and  
 shall be filed with the Commission; the  
 duplicate shall be furnished to the agent  
 or carrier named therein; and the tripli-  
 cate shall be retained by the issuing car-  
 rier. The Post Office address of the iss-  
 uing officer and the date of issue shall be  
 shown preceding the body of the form.  
 The MXF-1 (or MXF-2) or MXP-1 (or  
 MXP-2) form and a number of a con-  
 currence shall be shown in the upper  
 right-hand corner and immediately  
 thereunder the MXF-1 (or MXF-2) or  
 MXP-1 (or MXP-2) form and number of  
 the concurrence cancelled thereby.

A change in a tariff is effective only  
 when the tariff as filed and posted is  
 changed. If therefore a carrier revok-  
 ing a concurrence neglects to change its  
 tariffs as herein provided it shall be liable

to other carriers for any difference in  
 charges accruing under the tariff as it is  
 and as it would have been if corrected  
 in accordance with the revocation of con-  
 currence.

§ 231.23 *Letters of transmittal.* All  
 tariffs, supplements thereto and revised  
 pages thereof filed with the Commission  
 shall be accompanied by a letter of trans-  
 mittal consisting of one sheet, 8 x 10½  
 inches in size, in form substantially as  
 follows:

-----  
 (Name of carrier or agent in full)  
 -----  
 (General Freight or Passenger Department)  
 -----  
 (Post office address)  
 -----, 19--

Transmittal No. ----  
 To the Division of Regulation  
 United States Maritime Commission  
 Washington, D. C.

Accompanying schedule is sent you for fil-  
 ing in compliance with the requirements of  
 the Shipping Act, 1916, as amended, issued by  
 ----- (name of carrier or  
 agent) and bearing USMC-F (or -P) No. ----;  
 Supplement No. ---- to USMC-F (or -P) No.  
 ----; Revised Page No. ----; and is con-  
 curred in by all carriers named therein as  
 participants under continuing concurrences  
 or powers of attorney now on file with the  
 United States Maritime Commission, except  
 the following named carriers whose con-  
 currences (and/or powers of attorney) are at-  
 tached thereto.

-----  
 ----- (Signature)  
 ----- (Title)

A separate letter may accompany each  
 publication or the form may be modified  
 to provide for filing as many publications  
 as can conveniently be entered upon one  
 letter. Separate letters shall be used for  
 freight and passenger tariffs. If receipt  
 is desired the letter of transmittal should  
 be sent in duplicate, and one copy show-  
 ing the date of receipt by the Commission  
 will be returned to the sender.

By order of the United States Mari-  
 time Commission.

[SEAL]

A. J. WILLIAMS,  
 Secretary.

FEBRUARY 3, 1948.

[F. R. Doc. 48-1421; Filed, Feb. 16, 1948;  
 8:51 a. m.]

TITLE 47—TELECOMMUNI-  
CATIONChapter I—Federal Communications  
Commission

- PART 9—AERONAUTICAL SERVICES
- PART 12—AMATEUR RADIO SERVICE
- PART 16—RAILROAD RADIO SERVICE
- PART 17—UTILITY RADIO SERVICE
- MISCELLANEOUS AMENDMENTS

In the matter of amendment to Parts  
 9, 12, 16, and 17 of the Commission's rules  
 and regulations.

At a session of the Federal Communi-  
 cations Commission held at its offices in  
 Washington, D. C., on the 12th day of  
 February 1948;



The Commission having amended § 1.401 *Notice of violations* of Part 1, Rules and Regulations Relating to Organization, Practice and Procedure, on November 28, 1947 to require that licensees reply to notices of violations direct to the office issuing the citation and not to the Commission in Washington; and

It appearing, that it is desirable to amend corresponding sections of other rules to make such sections uniform; and

It further appearing, that such change in the Commission's rules is procedural and that notice of proposed rule making required by section 4 of the Administrative Procedure Act is not required; and

It further appearing, that the adoption of these amendments will be in the public interest:

It is ordered, That effective immediately Parts 9, 12, 16, and 17 of the Commission's rules and regulations be amended as set forth below.

Released: February 12, 1948.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

1. The first sentence of § 9.194 is amended to read as follows:

§ 9.194 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission, originating the official notice.

2. The first sentence of § 12.155 is amended to read as follows:

§ 12.155 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer direct to the office of the Commission originating the official notice.

3. A new § 166.144 is added. This section will read as follows:

§ 16.144 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully

what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given.

If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

4. The first sentence of § 17.187 is amended to read as follows:

§ 17.187 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r))

[F. R. Doc. 48-1434; Filed, Feb. 16, 1948; 9:44 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR, Part 942]

#### HANDLING OF MILK IN NEW ORLEANS, LA., MARKETING AREA

#### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at New Orleans, Louisiana, on November 24-25, 1947, inclusive, pursuant to the notice thereof which was published in the FEDERAL REGISTER on November 13, 1947 (12 F. R. 7404), upon certain proposed amendments to the tentatively approved marketing agreement and to the order,

as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on January 20, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER January 23, 1948 (13 F. R. 322). No exceptions to the recommended decision were filed.

The material issues presented on the record of the hearing were whether:

1. The classification of skim milk and butterfat disposed of by a handler to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such should be revised.

2. Ice cream and ice cream mix should be reclassified from Class II milk to Class III milk, and the price of Class II skim milk and butterfat should be revised.

3. The Class I price differential should be revised to provide for an increase in

the level of such price; and seasonal floor prices should be established through the month of February 1949.

4. The price for Class III butterfat should be decreased.

5. The pricing provisions should be revised to provide for the determination of class prices on the basis of the previous month's manufacturing prices.

6. An individual-handler pool should be established in lieu of the present market-wide pool.

7. The administrative assessment provisions should be revised to apply to all skim milk and butterfat disposed of as Class I milk rather than to receipts of skim milk and butterfat from producers.

8. Other changes should be made to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from the hearing.

*Findings and conclusions.* Upon the basis of the evidence adduced at the hearing, it is hereby found and concluded that:

1. The transfer provisions should be revised to provide that, during the delivery periods of March through September, skim milk and butterfat disposed of



by a handler to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such should be classified on the basis of the highest available use classification in the transferee plant after allocating such plant's receipts of skim milk and butterfat direct from dairy farms to the highest use classification: *Provided*, That the buyer maintains books and records, showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification.

The present provision of the order provides that skim milk and butterfat disposed of to such a person shall be classified as Class I milk. The record indicates that this provision deters the disposition of seasonal surpluses of milk to such persons and results in producer milk being disposed of to manufacturing plants for use as Class III milk when higher use outlets may be available.

With proper safeguards, it is believed that more efficient utilization of producer milk can be accomplished by encouraging the disposition of seasonal surpluses to nonhandlers operating fluid milk plants for use in higher priced products, such as ice cream. It is believed that the essential safeguard is a requirement that records be kept by the transferee, showing utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification.

2. The pricing provisions for Class II skim milk and butterfat should be revised to bring such prices for producer milk more in line with the cost of skim milk and butterfat purchased from other sources.

The present provisions of the order provide that butterfat be priced on the basis of a basic formula price plus a constant, multiplied by 17.5, and that skim milk be priced on the basis of the resulting butterfat prices multiplied by 0.04, and subtracted from the basic formula price plus the constant.

Producers proposed that the pricing provisions for Class II milk (primarily ice cream and ice cream mix) be revised to increase the constant over the basic formula price from \$0.55 to \$0.65 per hundredweight. Certain handlers proposed that ice cream and ice cream mix be classified as Class III products rather than as Class II.

Testimony by handlers indicated that purchases of skim milk from outside sources, f. o. b. New Orleans, can be made more cheaply than the cost of Class II skim milk under Order 42, as amended. As a consequence, very little producer milk is utilized for ice cream or ice cream mix. Ice cream manufacturers in New Orleans import substantial quantities of milk from other sources, and producer milk, not utilized as Class I is largely used in the manufacture of Class III products or is sold outside the area for Class III use. Cost figures submitted by proponents of the proposal for reclassification indicate that the order prices of Class II butterfat are substantially under the cost of importing butterfat whereas order prices for Class

II skim milk are substantially higher than the cost of importing solids.

It is concluded that the producer proposal for an increase in Class II price is unwarranted in that the present price is in excess of importation costs which has been one of the factors resulting in a minimum use of producer milk in Class II.

The present pricing provisions for Class II milk should be revised to price butterfat and skim milk separately and on a basis comparable to the costs of importing butterfat and skim milk from outside sources.

It is proposed that Class II butterfat be priced on the basis of the average daily wholesale price per pound of 92-score butter in the Chicago market less 3 cents plus 20 percent. Class II skim milk should be priced on the basis of 8.5 times the average of the carlot prices per pound of nonfat dry milk solids, spray and roller process, f. o. b. manufacturing plants in the Chicago area, during the delivery period. The proposed provisions for pricing Class II milk price producer skim milk and butterfat on a competitive basis with skim milk and butterfat imported from outside sources.

The proposed pricing provisions for Class II butterfat and skim milk will result in a price for 4.0 percent milk in Class II of \$0.20 per hundredweight less than the price for such milk under the present provisions. However, it is believed that such pricing of Class II butterfat and skim milk will encourage greater usage of producer butterfat and skim milk locally for manufacture of ice cream and ice cream mix and will return producers a higher blend price by reducing the quantity of Class III utilization.

3. The Class I price differential should be revised to provide for an increase in the level of such price, and minimum prices, below which the Class I price would not be permitted to decline, should be established.

The consumption of Class I milk in the New Orleans, Louisiana, marketing area has increased substantially during the past few years. General economic conditions and business activity in New Orleans indicate a continued good demand for milk and its products during 1948. Although the production of graded milk from local producers has increased during the past few years, such supplies have not kept pace with the demand for Class I milk. It has been necessary for handlers to supplement their supplies of producer milk for Class I use with substantial quantities from outside sources.

The cost of feeds, labor, supplies, and materials incurred by New Orleans producers in the production of milk shows a continued upward trend during 1947. Farmers producing milk for fluid purposes must use greater quantities of feed, labor, supplies, and materials and maintain production at a more uniform level than is required of farmers producing milk for manufacturing purposes. Consequently, the increase in the prices which have taken place in these items affect the New Orleans producers more than dairy farmers supplying manufacturing plants. Furthermore, the record indicates that producers in the New Orleans area purchase 90 percent of the concen-

trates and 50 percent of the roughage used in the production of milk. In view of the general economic conditions, both locally and nationally, there is nothing to suggest any decline in these high costs during 1948.

To reflect these increased costs in the production of milk and to provide the necessary incentive for the production of a sufficient quantity of pure and wholesome milk for the marketing area, the price differential for Class I milk should be revised upward. The present provisions of the order provide for a Class I price determined by adding a differential of \$1.25 to a basic formula, composed of prices for milk for various manufacturing uses, until April 1, 1948. It is concluded that a differential of \$1.25 per hundredweight over the basic formula price for the months of March through September and \$1.50 per hundredweight for the months of October through February should be established.

While producers proposed a differential of \$1.35 per hundredweight throughout the year, the record indicates the need for a more uniform production pattern. The months of October through February are the months of short production and highest production costs. It is believed that the more pronounced seasonal pricing resulting from the use of the varying differential will provide an incentive for more uniform production.

While the basic formula price plus the proposed differentials for Class I milk will normally reflect to producers a minimum price for milk which will reflect the economic factors prescribed by the act and assure a sufficient supply of pure and wholesome milk for the marketing area and be in the public interest, there is a distinct possibility that the basic formula price plus the differential may result in a wholly inadequate price for the coming year. The abnormal post-war marketing conditions have created such uncertainties with respect to the prices which will result from the operation of the pricing formula that producers of milk for the New Orleans market will be reluctant to expand the production of milk during the coming year unless they are assured that the price of milk will not go below the price required to reflect the standards of the act. The supply of milk for the New Orleans market is further endangered by the fact that there is no nearby secondary supply of graded milk to supplement the inadequate supply of producer milk. It is believed that definite assurance of prices below which the price of milk cannot fall is needed through February 1949. Handlers in the market have recognized the need for additional supplies of producer milk and the effect of announced minimum prices in promoting additional production by voluntarily guaranteeing minimum prices to be paid for subsequent production months. In view of the above, it is believed that producers should be guaranteed a minimum price of \$5.25 per hundredweight for the months of March through September 1948 and \$5.69 per hundredweight for the months of October 1948 through February 1949.

The above changes will result in such prices as will reflect the price of feeds,



the available supplies of feeds, and other economic conditions which affect market supply of and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

4. The proposal to reduce the price for Class III butterfat should not be adopted.

Under the present provisions of the order the price for Class III butterfat is the average wholesale price paid for 92-score butter at Chicago for the preceding delivery period. Certain handlers proposed that such price should be the 92-score butter price for the preceding delivery period less 10 percent. They contend that producer butterfat cannot be profitably handled at the present price, but failed to present substantive evidence in support thereof. In view of this and the subsequent conclusion with respect to pricing such butterfat on the basis of the butter prices for the current delivery period, it is concluded that the proposal should be denied.

5. Class prices should not be determined on the basis of the previous months' manufacturing price.

Under the present order provisions Class I and Class II prices are determined on the basis of prices for specified manufactured products for the delivery period and are not announced until approximately the 6th day after the end of the delivery period. Certain handlers argue that the proposed determination of class prices would enable them to know in advance the prices which they would be required to pay. They contend that they are placed at a disadvantage by not knowing the exact prices they will be required to pay for milk received from producers until after that milk has been disposed of. However, they admit that it is possible under the present provisions to make a very close approximation during the delivery period of the prices which will result from the prescribed formula.

The price for Class III milk for the delivery period is known, under the present order provisions, soon after the beginning of the period since such price is determined on the basis of prices for specified manufactured products for the preceding delivery period. The contention of handlers that their Class III operations are not a profitable undertaking is understandable under such an arrangement. Since the price for Class III milk is determined on the basis of the previous month's quotations of specified manufactured products and the production of Class III products by handlers is confined generally to the early spring season, when prices of dairy products are normally declining seasonally, these handlers are at a disadvantage in disposing of their products under current quotations.

It is believed that any disadvantage arising from the use of the current month's manufacturing prices is more than outweighed by the fact that the use of such prices for the preceding delivery period disrupts the seasonal pattern of prices by lagging such price changes one month. It is proposed that the pricing of Class III milk be changed to provide for pricing on the basis of current quotations of manufactured products and that no change be made

in the present provisions pricing Class I and II milk on the basis of current quotations.

6. The proposal to amend the provisions relating to the determination of uniform price to producers and payment for milk in order to provide for an individual-handler pool in lieu of the present market-wide pool should be adopted.

At the time the market-wide pool was adopted in New Orleans, it was anticipated that facilities for the disposal of seasonal surpluses would be readily available to all handlers. It now appears from the record that handlers who operate the existing facilities fail to make a satisfactory outlet for the unavoidable surpluses of other handlers who do not have manufacturing facilities of their own. Furthermore, handlers with manufacturing facilities retain milk for Class III purposes even when there is a strong demand for it for higher priced utilization on the part of other handlers. This they are able to do by virtue of the equalization of producer prices. It is believed that more efficient utilization and a more equitable distribution of producer milk would be obtained by the establishment of an individual-handler pool.

7. The proposal to apply the administrative assessment provisions to all skim milk and butterfat disposed of as Class I milk rather than to receipts of skim milk and butterfat from producers should not be adopted.

Certain handlers argue that the administrative assessment on skim milk and butterfat used in Class II and Class III places them at a disadvantage with competitors not subject to regulation under Order No. 42, as amended.

The administrative assessment is provided for to obtain sufficient funds to properly administer the order and any assessment should be borne equally among the several handlers in the market. One of the largest expenses of administering an order is auditing of handlers' reports of receipts and utilization of milk. In this connection it is necessary to audit the disposition of Class II and Class III milk as well as the disposition of Class I milk. No showing was made on the record that the proposal would result in an equitable distribution of the assessment among handlers.

8. Other changes should be made to make the tentatively approved marketing agreement and the order, as amended, conform with the revisions proposed herein.

The present classification provisions provide that no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during any of the delivery periods of August through March if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I. In conformity with the conclusion reached with respect to the seasonal pattern of prices, it is concluded that the months of "August through March" should be changed to "October through February."

The provision relating to the classification of transfers of skim milk and

butterfat between handlers should be adapted to an individual-handler pool.

In view of the substantial revision of language in the sections dealing with the determination of uniform prices to producers and payment for milk as a result of the adoption of the individual-handler pool, and numerous other changes proposed herein, it is believed that for convenience of the industry all of the provisions of the order, as amended, should be published.

*Additional findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed, to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

*Marketing agreement and order.*<sup>1</sup> Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered.* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as proposed to be further amended by the attached amending order which will be published with the decision.

This decision was filed at Washington, D. C., this 12th day of February 1948.

[SEAL]

CLINTON P. ANDERSON,  
Secretary of Agriculture.

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



§ 942.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1, et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at New Orleans, Louisiana, on November 24–25, 1947, inclusive, pursuant to the notice thereof which was published in the FEDERAL REGISTER on November 13, 1947 (12 F. R. 7404), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of said milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

*Order relative to handling.* It is hereby ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted

and amended, by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marreco, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Metairie, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the Secretary complaints of violations of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof;

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and § 942.9;

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day of each delivery period, each handler, except as set forth in paragraph (c) of this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk and any skim milk, cream, or other milk products which were, during the preceding delivery period, purchased or received from (i) producers, (ii) other handlers, and (iii) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

(b) *Reports of payments to producers.* On or before the 20th day of each delivery period, each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representa-



tive such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification*—(a) *Basis of classification*. All skim milk and butterfat contained in milk, skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization*. Subject to the conditions set forth in paragraphs (c), (d), (e), and (f) of this section, the classes of utilization of milk shall be as set forth in this paragraph: *Provided*, That no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during any of the delivery periods of October through February if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of this paragraph):

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III;

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix; and

(3) Class III shall be all skim milk and butterfat (i) disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content), cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent, respectively, of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers and reclassification of milk*. (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) by any handler in another class, in accordance with such latter use or disposition.

(d) *Transfers*. (1) Subject to the conditions set forth in paragraph (c) of this section, and subparagraph (2) of this paragraph, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified (i) as Class I, if

transferred to a handler who is not a producer-handler unless utilization in another class is mutually agreed upon and reported by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made; *Provided*, That in no event shall the amount of skim milk or butterfat so reported be greater than the amount used in such class by the transferee handler; (ii) as Class I, if transferred to a producer-handler; (iii) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such; *Provided*, That, if during the delivery periods of March through September, the buyer maintains books and records, showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification, such skim milk and butterfat shall be classified during such delivery periods as follows: (a) Determine the classification of all skim milk and butterfat at the transferee plant, and (b) allocate the skim milk and butterfat, respectively, received at the transferee plant from the transferring handler to the highest-priced classification remaining after subtracting, in series beginning with the highest-priced classification, the receipts of skim milk and butterfat, respectively, at the transferee plant from dairy farms; and (iv) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(2) No provision relative to transfers provided for in subparagraph (1) of this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to paragraph (f) of this section. Any quantity reported for assignment to a particular class but not eligible therefor because of paragraph (f) of this section shall be assigned by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

(e) *Computation of the skim milk and butterfat in each class*. For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat received from (i) producers; (ii) other handlers; and (iii) other sources.

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in subdivision (ii) of

this subparagraph and the result obtained in subparagraph (7) (iii) (b) of this paragraph.

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several products of Class I; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the result obtained in subparagraph (8) (ii) (b) of this paragraph.

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which are used to produce each of the several products of Class II, and (ii) subtracting the result obtained in subparagraph (6) of this paragraph;

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products in Class II;

(7) The total pounds of skim milk in Class III by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III, (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph, (iii) subtracting from the result obtained in subparagraph (1) of this paragraph the results obtained in subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (a) That portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III, and (b) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I; *Provided*, That any skim milk which has been accounted for as having been dumped by a handler shall be classified as Class III, and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph and the pounds of skim milk allocated to Class III pursuant to subdivision (iii) of this subparagraph; and

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III; (ii) subtracting from the result obtained in subparagraph (2) of this paragraph the results obtained in subparagraphs (4) (i) and (6) of this paragraph and subdivision (i) of this subparagraph, which resulting amount shall be classified as follows: (a) That portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III, and (b) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I, and (iii) adding together the results obtained in subdivisions (i) and (ii) (a) of this subparagraph.

(f) *Allocation of skim milk and butterfat classified*. (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds allocated to milk received from producers, and shall be known as the "net pooled skim milk" in such class for such handler:



(i) Subtract from the total pounds of skim milk in Class III the plant shrinkage of skim milk in Class III, computed pursuant to paragraph (e) (7) (iii) (a) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available class, the pounds of skim milk received from other sources;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and used in such class; and

(iv) Add to the remaining pounds of skim milk in Class III the amount subtracted pursuant to subdivision (i) of this subparagraph. If the remaining total pounds of skim milk in all classes exceed the total pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (e) (8) (ii) (a) shall be substituted for the designated reference paragraph (e) (7) (iii) (a) set forth in paragraph (1) (i) of this paragraph). The resulting pounds of butterfat in each class shall be known as the "net pooled butterfat" in such class.

(g) *Announcement of utilization of skim milk and butterfat.* The market administrator may from time to time as conditions in the market warrant:

(1) Obtain reports, in the manner and on forms prescribed by him, from handlers with respect to their receipts and utilization of skim milk and butterfat; and

(2) Publicly announce (i) the name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, (ii) the name of each handler whose receipts of skim milk or butterfat in milk received from producers is less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, and (iii) the percent that the total receipts of skim milk and butterfat in milk received from producers is of the utilization of skim milk and butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of paragraph (b) of this section).

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I prices.* The basic formula price per hundredweight of milk to be used in determining the Class I prices set forth in this section shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph.

(1) To the average of the basic (or field) prices per hundredweight reported

to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture by the companies listed below:

#### *Companies and Location*

Borden Co., Black Creek, Wis.  
Borden Co., Greenville, Wis.  
Borden Co., Mt. Pleasant, Mich.  
Borden Co., New London, Wis.  
Borden Co., Orfordville, Wis.  
Carnation Co., Berlin, Wis.  
Carnation Co., Jefferson, Wis.  
Carnation Co., Chilton, Wis.  
Carnation Co., Oconomowoc, Wis.  
Carnation Co., Richland, Wis.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Belleville, Wis.  
Pet Milk Co., Coopersville, Mich.  
Pet Milk Co., Hudson, Mich.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Wayland, Mich.  
White House Milk Co., Manitowoc, Wis.  
White House Milk Co., West Bend, Wis.

add an amount computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5;

(2) The price computed as follows:

(i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" on such Exchange shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.0.

(3) The price computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and then multiply by 0.96.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled-Class I skim milk and

net pooled Class I butterfat, not less than the following prices per hundredweight:

(1) For such skim milk and butterfat received at such handler's plant located in the 61-70 mile zone, the minimum prices shall be as follows:

(i) To the basic formula price add \$1.25 for the delivery periods of March through September and \$1.50 for the delivery periods of October through February: *Provided*, That the resulting price shall not be less than \$5.25 per hundredweight for the delivery periods of March through September 1948, and \$5.69 per hundredweight for the delivery periods of October 1948 through February 1949.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (a) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (b) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (c) dividing such net amount by 0.96; and (d) rounding off to the nearest full cent.

(2) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61-70 mile zone, the prices shall be those effective pursuant to subparagraph (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

<i>Freight zone (miles)</i>	<i>Cents per hundredweight</i>
Not more than 20.....	+28.0
More than 20 but not more than 30..	+8.0
More than 30 but not more than 40..	+6.0
More than 40 but not more than 50..	+4.0
More than 50 but not more than 60..	+2.0
More than 60 but not more than 70..	0.0
More than 70 but not more than 80..	-2.0
More than 80 but not more than 90..	-4.0
More than 90 but not more than 100..	-6.0
More than 100 but not more than 110..	-7.0
More than 110.....	-8.0

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0-20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class II skim milk and net pooled Class II butterfat,



not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be computed as follows: Multiply by 8.5 the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period.

(2) The price per hundredweight of butterfat shall be computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, and add 20 percent thereof and multiply by 100.

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class III skim milk and net pooled Class III butterfat, not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, deduct 7 cents, and then multiply by 7.5.

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is not applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period

pursuant to paragraphs (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

#### § 942.6 Application of provisions—

(a) *Exceptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to any handler (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who is a producer-handler pursuant to § 942.1 (m) as verified in the manner provided in subparagraph (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification evidence of their qualifications as such pursuant to § 942.1 (m).

(3) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Payment for excess skim milk or butterfat.* If, after subtracting receipts from other sources, and from other handlers (including receipts in packaged form from producer-handlers), a handler has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the value of milk for such handler, pursuant to § 942.7 (a), shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f).

(c) *Skim milk and butterfat disposed of by a producer-handler.* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk as milk, skim milk, or cream to a handler (including another producer-handler), but as a handler with respect to skim milk and butterfat disposed of in packaged form to a handler (including another producer-handler).

§ 942.7 Determination of uniform prices to producers—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute for each handler the value of skim milk and butterfat, respectively, received by such handler from producers during such delivery period by: multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amount pursuant to § 942.6 (b).

(b) *Computation of uniform price for each handler.* For each delivery period the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk, butterfat, and milk received by such handler from producers as follows:

(1) Adding, respectively, to the values computed pursuant to paragraph (a) of this section the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61-70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(2) Subtracting, respectively, the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61-70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(3) If, in the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat, respectively, for previous delivery periods subsequent to the effective date of this order, the market administrator discovers errors in such reports, including reclassification of skim milk and butterfat pursuant to § 942.4 (c) (2), there shall be added or subtracted, as the case may be, an amount of money necessary to correct such errors;

(4) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat." The results shall be known, respectively, as the uniform price per hundredweight for such handler for skim milk and butterfat purchased or received from producers at plants located in the 61-70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61-70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential for each handler as follows: subtract from his uniform price per hundredweight of butterfat his uniform price per hundredweight of skim milk and divide the result by 1.000.

(d) *Announcement of prices.* (1) On or before the 6th day after the end of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices of skim milk and butterfat received from producers during the delivery period.

(2) On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler and make public announcement of the butterfat differential and the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received by such handler from producers during the delivery period.

§ 942.8 Payment for milk—(a) *Time and method of payment.* (1) On or before the last day of each delivery period, each handler shall make payment to each producer for the milk received from such producer by such handler during the first



15 days of the delivery period at not less than \$3 per hundredweight.

(2) On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price for milk containing 4.0 percent butterfat announced pursuant to § 942.7 (d), adjusted as follows: if the average butterfat content of the milk received from such producer varies from 4.0 percent subtract for each one-tenth of one percent that the average butterfat content of such milk is less than 4.0 percent, or add for each one-tenth of one percent that the average butterfat content of such milk is more than 4.0 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c).

(b) *Location differentials.* Each handler, in making the payments prescribed in paragraph (a) of this section, shall adjust the uniform price for each producer with respect to all skim milk and butterfat received from such producer at such handler's plant not located in the 61-70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2).

(c) *Adjustment of errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 942.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time pre-

scribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.10 *Effective time, suspension, or termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such per-

son as the Secretary shall direct, and (iii) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 942.13 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 48-1426; Filed, Feb. 16, 1948; 8:50 a. m.]

## NOTICES

### FEDERAL POWER COMMISSION

[Docket No. G-998]

NORTHWEST NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 11, 1948.

Notice is hereby given that on February 2, 1948, an application was filed with the Federal Power Commission by Northwest Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at New York, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a natural gas pipe line from a point on the boundary line between the Dominion of Canada and the United States near Kingsgate, British Columbia, through the States of Idaho, Washington, and Oregon for the purpose of redelivering natural gas at

two points on the boundary line for use in the Cities of Vancouver and Trail in the Province of British Columbia, and for the purpose of supplying the natural gas requirements of distributing companies in the Cities of Seattle, Spokane, Tacoma and Walla Walla, Washington, and Portland, Oregon, and other municipalities and industrial customers along the route.

Applicant states that the proposed natural gas pipe line will entail the laying of 606 miles of 24-inch pipe from Kingsgate, British Columbia to Seattle, Washington, through the Cities of Spokane, Walla Walla, Washington, Portland, Oregon, and Tacoma, Washington, and 150 miles of 18-inch pipe line from Seattle, Washington, to Vancouver, British Columbia, with a lateral pipe line from a point near the Idaho-Washington state line to the boundary near the City of Trail, British Columbia. Applicant proposes to construct various lateral lines

and initial installation of four compressor stations, spaced approximately 170 miles apart, three of which will have a rated horsepower of 8,550 h. p. each and the fourth a rated horsepower of 3,000 h. p. Applicant intends to begin construction in the early part of 1950, and complete construction in that year, depending on availability of materials.

Applicant states that the natural gas proposed to be imported and transported by Applicant will be gathered in the Province of Alberta, Dominion of Canada, for sale to Applicant, or a subsidiary or affiliate of Applicant. Applicant proposes to gather the natural gas purchased directly, or indirectly through an affiliate or subsidiary, and transport it to the point on the boundary line near Kingsgate. Applicant alleges that the facilities will have a maximum daily delivery capacity of 209,000 Mcf and proposes to operate the system on an aver-



age daily load factor of 75% making the average daily delivery 163,424 Mcf.

Applicant states that the natural gas reserves in the Province of Alberta are more than sufficient to care for all the foreseeable needs of the Province of Alberta for the next thirty years and in addition more than sufficient to guarantee Applicant 150% of its requirements for twenty-five years.

Applicant further states that the estimated total overall capital cost of the proposed construction of the facilities in the United States, not including the cost of lateral lines, is \$41,931,000, based on the assumption that the cost of steel pipe including freight will be \$115 per ton. Applicant estimates that directly, or indirectly through a subsidiary or affiliate, it will be required to spend \$36,568,000 for facilities in Canada to gather and transport the gas to the boundary. Applicant proposes to finance the construction of the facilities by the issuance and sale of bonds, common stock and possibly a bank loan.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northwest Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-1391; Filed, Feb. 16, 1948;  
8:47 a. m.]

[Docket No. E-6121]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

FEBRUARY 16, 1948.

Notice is hereby given that on February 13, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of: (1) \$1,100,000 principal amount, First Mortgage Bonds, Series C, 3½%, to be dated January 15, 1948 and to mature July 15, 1975. Said

bonds will be secured by and issued under the Indenture of Mortgage and Deed of Trust of the Applicant to Central Hanover Bank and Trust Company, as trustee, dated as of September 1, 1941, as supplemented and amended by supplemental Indenture dated July 15, 1945, and by proposed supplemental Indenture dated as of January 15, 1948; (2) \$600,000 principal amount 3¼% Serial Notes to be dated January 15, 1948, and to mature \$60,000 each January 15 from 1951 to 1960, inclusive. Said notes will be issued under and secured by a proposed Indenture of Trust from the Applicant to Empire Trust Company, as trustee, dated as of January 15, 1948; and (3) Such number of shares of Common Stock of the par value of \$1 per share as at the price at which said shares will be offered (which price has not yet been determined) will result in proceeds to the Applicant amounting in the aggregate to not more than \$300,000. Said shares of Common Stock will have full voting privileges and will be entitled to presumptive rights. The dividend to be paid upon said Common Stock will be such dividend as from time to time may be determined by the Board of Directors; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 3d day of March 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-1470; Filed, Feb. 16, 1948;  
11:59 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 790, Amdt. 11 to Corr. Special  
Directive 1]

PENNSYLVANIA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 1 (12 F. R. 7950), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 1, be and it is hereby amended by changing Appendix A of Amendment No. 10 as follows:

Mine	Cars per day
Add:	
Nancy Lee.....	1
Harvey.....	3
Sunnyhill.....	3
Eliminate:	
Summit No. 4.....	2
Rose.....	2
Change:	
Magnolia.....	1
Sterline.....	3

A copy of this amendment shall be served upon The Pennsylvania Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by

filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1392; Filed, Feb. 16, 1948;  
8:47 a. m.]

[S. O. 790, Amdt. 7 to Special Directive 6]

MONONGAHELA RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 6 (12 F. R. 7952) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 6, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars	
	Per day	Per week
Brock and National.....	8	
Byrne 2.....	1	
Christopher 2 and 3.....	3	
East and Merryman.....	5	
Jamison 11.....	4	
LaBelle-Old LaBelle.....		3
Love 4.....	2	
Martin 2.....	2	
Mon-Ark 5.....	4	
Poland.....	5	
Pursglove 2.....	25	
Rosedale 1 and 2, Mon.....	8	
Whitley.....	7	
Rose.....	2	

A copy of this amendment shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1393; Filed, Feb. 16, 1948;  
8:47 a. m.]

[S. O. 790, Amdt. 7 to Special Directive 7]

MONTOUR RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 7 (12



## NOTICES

F. R. 8281, 8874) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

*It is ordered*, That Special Directive No. 7, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars	
	Per day	Per week
Grant 2 (Boggs-Sunnyhill).....	-----	2
Imperial (Sunnyhill).....	4	-----
Ira and Ruth (Sherry Dock-Import).....	4	-----
Rider 3 and 4 (Aloe).....	9	-----
Solar.....	2	-----

A copy of this amendment shall be served upon The Montour Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1394; Filed, Feb. 16, 1948;  
8:47 a. m.]

[S. O. 790, Special Directive 34A]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

*It is ordered*, That Special Directive No. 34 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., February 10, 1948.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1395; Filed, Feb. 16, 1948;  
8:47 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 40]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 40 (13 F. R. 461), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

*It is ordered*, That Special Directive No. 40, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof:

(1) To furnish to the Delmont No. 11 mine 8 cars per mine working day for the loading of fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1396; Filed, Feb. 16, 1948;  
8:47 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 41]

MONONGAHELA RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 41 (13 F. R. 485), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

*It is ordered*, That Special Directive No. 41, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish weekly to mines listed below cars for the loading of the Maine Central Railroad Company fuel coal from its total available supply of cars suitable for the transportation of coal:

Mine:	Cars per week
Whitley .....	60
National and Brock.....	100

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1397; Filed, Feb. 16, 1948;  
8:47 a. m.]

[S. O. 790, Special Directive 45A]

NEW YORK CENTRAL RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

*It is ordered*, That Special Directive No. 45 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., February 11, 1948.

A copy of this special directive shall be served upon The New York Central Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 48-1398; Filed, Feb. 16, 1948;  
8:47 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 7-1018]

CHESAPEAKE AND OHIO RAILWAY CO.

FINDINGS AND ORDER GRANTING PERMISSION  
TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February A. D. 1948.

The Cleveland Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, \$25.00 Par Value, of The Chesapeake and Ohio Railway Company, 3400 Terminal Tower, Cleveland 1, Ohio.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Cleveland Stock Exchange is the State of Ohio; that out of a total of 7,970,000 shares outstanding, 439,405 shares are owned by 5,520 shareholders in the vicinity of the Cleveland Stock Exchange; and that in the vicinity of the Cleveland Stock Exchange there were 725 transactions involving 52,164 shares from September 1, 1946, to August 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and



(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Cleveland Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, \$25.00 Par Value, of The Chesapeake and Ohio Railway Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1389; Filed, Feb. 16, 1948;  
8:46 a. m.]

[File No. 70-1694]

OHIO PUBLIC SERVICE CO.

#### ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1948.

The Ohio Public Service Company ("Public Service"), a subsidiary of Cities Service Company ("Cities"), a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, requesting an exemption from sections 6 (a) and 7 with respect to, among other things, the issuance and sale pursuant to the competitive bidding requirements of Rule U-50 of \$10,000,000 principal amount of First Mortgage Bonds, --% Series, due 1978, and the application of the proceeds thereof to finance necessary construction requirements; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the said application, as amended, be, and it hereby is, granted, effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purposes.

It is further ordered, That, in accordance with the request of The Ohio Public Service Company, the ten-day period for inviting bids as provided in Rule U-50 be, and hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1388; Filed, Feb. 16, 1948;  
8:45 a. m.]

[File No. 70-1729]

ENGINEERS PUBLIC SERVICE CO. (INC.)

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1948.

Notice is hereby given that a declaration, and an amendment thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by Engineers Public Service Company (Incorporated), ("Engineers"), a registered holding company incorporated under the laws of the State of Delaware. Engineers has designated section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 24, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after February 24, 1948, said declaration, as filed, or as further amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file with this Commission for a statement of the transactions therein proposed which are summarized as follows:

Engineers proposes to borrow \$200,000 from The Chase National Bank of the City of New York as soon as possible after appropriate authorization by this Commission, said loan to be evidenced by a note maturing March 25, 1948, and bearing interest at the rate of 1½% per annum. The declaration states that the proceeds of the \$200,000 loan will be used by Engineers to enable it to meet current operating requirements, including certain Federal income tax payments. Engineers also proposes to borrow \$900,000 from the Irving Trust Company, said loan to be evidenced by a note dated March 25, 1948, maturing six months from the issue date and bearing interest at the rate of 1¾% per annum. The declaration further states that the proceeds from the \$900,000 note will be used for the payment to The Chase National Bank of the City of New York of a presently outstanding \$700,000 note bearing interest at the rate of 1½% and maturing March 25, 1948, and the \$200,000 note for which approval is presently sought.

Engineers is the owner and holder of 162,612 shares of the common stock of Virginia Electric and Power Company and represents that prior to September 25, 1948, consideration will be given to selling a sufficient number of shares of such stock to pay off all or a part of the proposed \$900,000 note.

It is further stated in the declaration that no State or Federal Commission (other than this Commission), has jurisdiction over the proposed transactions and that there will be no expenses with respect to the proposed transactions other than counsel fees amounting to \$250 with respect to the \$200,000 note, and \$500 with respect to the \$900,000 note.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-1390; Filed, Feb. 16, 1948;  
8:46 a. m.]

[File No. 70-1739]

NORTH AMERICAN CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February 1948.

Notice is hereby given that The North American Company ("North American"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act"). North American designates sections 12 (c) and 12 (d) of the act and Rules U-23, U-44 and U-46 of the general rules and regulations promulgated thereunder as being applicable to the proposed transactions and North American further considers that Rule U-43 may be applicable thereto.

Notice is further given that any interested person may, not later than February 19, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below:

North American proposes to distribute on April 1, 1948, in partial liquidation to its holders of common stock of record as of March 2, 1948, shares of common stock of Potomac Electric Power Company ("Potomac"), having a par value of \$10.00 per share, owned by North American. Such distribution is proposed to be made at the rate of 3 shares of common stock of Potomac for each 100 shares of common stock of North American held. No certificates will be issued for fractions of shares of stock of Potomac, but in lieu



thereof, cash will be paid with respect to such numbers of shares as would be entitled to less than a full share of Potomac at the rate of \$12.625 per share of Potomac, this rate being based on the approximate market price of such stock at the close of the market on February 6, 1948, such payment being the equivalent of 37 7/8 cents per share of common stock of North American entitled to be paid such cash. North American estimates that the proposed transactions will involve the distribution of approximately 239,270 shares of common stock of Potomac and approximately \$226,098 in cash in lieu of fractions of such stock.

In connection with the proposed distribution, North American proposes to charge to Capital Surplus an amount aggregating the carrying value of the shares of Potomac common stock to be distributed and the cash to be paid in lieu of fractional shares, together with the expenses of such distribution. North American estimates that the carrying value of the shares of Potomac common stock to be distributed will be approximately \$1,224,122 and the cash in lieu of fractional shares of such stock will be approximately \$226,098. North American further represents that sufficient Capital Surplus for this purpose will be provided by transferring from Earned Surplus to Capital Surplus an equivalent amount.

North American has requested that the Commission enter an order permitting the declaration to become effective on or before February 20, 1948, and that such order become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 48-1387; Filed, Feb. 16, 1948;  
8:45 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9236, Amdt.]

GEORGE Y. NISHIMURA

In re: Debts or other obligations owing to and stocks and bonds owned by George Y. Nishimura. F-39-1369-A-1; F-39-1369-E-1.

Vesting Order 9236 dated June 23, 1947, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2c of said Vesting Order 9236 the words, "registered in the name of George Y. Nishimura".

By deleting from Exhibit A of said Vesting Order 9236 the certificate number 2216 set forth with respect to capital stock of Seattle-First National Bank, Second Avenue, Seattle, Washington and substituting therefor the certificate number 22216 for twenty-two (22) shares capital stock and the certificate number 1132 for two-ninths (2/9) of one (1)

share capital stock of the aforesaid Seattle-First National Bank, Second Avenue, Seattle, Washington.

All other provisions of said Vesting Order 9236 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1414; Filed, Feb. 16, 1948;  
8:50 a. m.]

[Vesting Order 10576]

HENRY ASCHPURWIS

In re: Debt owing to Henry Aschpurwis. F-28-13384-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Aschpurwis, whose last known address is % Matthias Rhode & Co. Frachtkontor, Ferdinand Strasse 38-40, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Aschpurwis, by Grace Lines, 10 Hanover Square, New York, New York, in the amount of \$4,815.78, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1404; Filed, Feb. 16, 1948;  
8:49 a. m.]

[Vesting Order 10579]

CENTRAL COMMERCIAL CO.

In re: Debt owing to Central Commercial Company. F-39-2385-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Central Commercial Company, the last known address of which is P. O. Box 12, Ibaraki, Osaka Fu, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Central Commercial Company by Briggs and Stratton Corporation, 2711 North 13th Street, Milwaukee 1, Wisconsin, in the amount of \$1,087.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1405; Filed, Feb. 16, 1948;  
8:49 a. m.]



[Vesting Order 10581]

**DRESDNER BANK FILIALE WIESBADEN**

In re: Debt owing to Dresdner Bank Filiale Wiesbaden. F-28-176-C-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank Filiale Wiesbaden, the last known address of which is Wiesbaden, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dresdner Bank Filiale Wiesbaden by Bertha Kahn, % Herbert N. Arnstein, 721 Olive Street, St. Louis, Missouri, in the amount of \$250.00, as of September 5, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1406; Filed, Feb. 16, 1948; 8:49 a. m.]

[Vesting Order 10584]

**LISEL GLASHOFF**

In re: Bank account owned by Lisel Glashoff, also known as Luise Glashoff and as Liesel Glashoff. F-28-8098-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

No. 33-4

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lisel Glashoff, also known as Luise Glashoff and as Liesel Glashoff, whose last known address is 15 Sanberg, Elmshorn, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Solano County Bank, P. O. Box 66 Fairfield, California, arising out of a Savings Account, account number 1593, entitled Herman Glashoff and Harvey Elliott, trustees for Lisel Glashoff, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lisel Glashoff, also known as Luise Glashoff and as Liesel Glashoff, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1407; Filed, Feb. 16, 1948; 8:49 a. m.]

[Vesting Order 10585]

**DR. GERH. HENKEL**

In re: Debt owing to Dr. Gerh. Henkel. F-28-11350-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Gerh. Henkel, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obli-

gation owing to Dr. Gerh. Henkel, by Marks & Clerk, 220 Broadway, New York 7, New York, in the amount of \$356.80, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1408; Filed, Feb. 16, 1948; 8:49 a. m.]

[Vesting Order 10586]

**MRS. MARTHA KLOPPERT**

In re: Bank account owned by Mrs. Martha Kloppert. F-28-5340-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Martha Kloppert, whose last known address is Essen-Bredeney (22a) Fruhling Str. 29, Deutschland Nord-Rheinprovinz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Martha Kloppert, by The National Deposit Bank, Brownsville, Pennsylvania, arising out of a savings account, account number 9036, entitled Mrs. Martha Kloppert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence



## NOTICES

of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1409; Filed, Feb. 16, 1948;  
8:49 a. m.]

[Vesting Order 10587]

ANNA CATHERINE MEYER

In re: Bank account owned by Anna Catherine Meyer, also known as Anna Charina Meyer and as Anna Katherine Meyer. F-28-23302-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Catherine Meyer, also known as Anna Charina Meyer and as Anna Katherine Meyer, whose last known address is Hemslinger, District of Rotenberg, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a Savings Account, Account Number 1618, entitled I. F. Chapman or Tom F. Chapman, trustees, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Catherine Meyer, also known as Anna Charina Meyer and as Anna Katherine Meyer, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Claimant	Claim No.	Property and location
Bishop National Bank of Hawaii at Honolulu, Honolulu, T. H.	6491	\$18,294.94 in the Treasury of the United States. All right, title and interest of the Attorney General in and to a balance of \$1,920.73 in the Bishop National Bank of Hawaii at Honolulu in an account designated as "Hiyama Shoten, Cash Letter of Deposit Account."

Executed at Washington, D. C., on February 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1415; Filed, Feb. 16, 1948;  
8:51 a. m.]

[Vesting Order 10588]

HEINZ MOSER AND ROLF KAISER

In re: Stock owned by Heinz Moser and Rolf Kaiser. D-66-2338-D-1; F-28-25731-D-2; F-28-22247-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Moser and Rolf Kaiser, whose last known addresses are Konigstadter Str. 103, Russelsheim/m, Germany and Germany, respectively, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of \$5.00 par value common capital stock of Chrysler Corporation, P. O. Box 1919, Detroit 31, Michigan, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Heinz Moser	87719	10
Rolf Kaiser	186851	10

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1410; Filed, Feb. 16, 1948;  
8:49 a. m.]

BISHOP NATIONAL BANK OF HAWAII

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1411; Filed, Feb. 16, 1948;  
8:50 a. m.]



[Vesting Order 10591]

BERTHA POHLMANN

In re: Bank account owned by Bertha Pohlmann. F-28-9031-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Pohlmann, whose last known address is Hamburger Strasse 20, Barmstedt, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Solano County Bank, P. O. Box 66 Fairfield, California, arising out of a Savings Account, account number 1590, entitled Herman Glashoff and Harvey Elliott, trustees for Bertha Pohlmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bertha Pohlmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1412; Filed, Feb. 16, 1948;  
8:50 a. m.]

[Vesting Order 10592]

ROLF PRYM

In re: Bank account owned by Rolf Prym. F-28-25768-E-1; F-28-25768-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rolf Prym, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rolf Prym, by The Windham County National Bank, 113 Main Street, Danielson, Connecticut, arising

out of a Checking Account, entitled Rolf Prym, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-1413; Filed, Feb. 16, 1948;  
8:50 a. m.]



